

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-4.002	Purpose and Definitions
5I-4.003	Vehicular, Animal and Pedestrian Control
5I-4.005	Protection of Managed Lands
5I-4.006	Recreational Activities and Facilities
5I-4.007	Garbage, Water Pollution and Glass Containers
5I-4.008	Vendors; Authorizations; Fees
5I-4.011	Penalties for Violations

PURPOSE AND EFFECT: The purpose and effect of this rule making is to modify the definition off-highway vehicle and add two new definitions, regulate a new off-highway trail system, change the title of and references to the Division of Forestry or Division to the Florida Forest Service or Service, and comply with the provisions of Section 790.33, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This rulemaking adopts the statutorily revised definition of off-highway vehicles, adds two new definitions, adds a new location where off-highway vehicles can be operated on Florida Forest Service managed lands, changes the title of and references to the Division of Forestry to the Florida Forest Service, and eliminates provisions regarding the possession of firearms while visiting state forests and restates the law regarding the discharge of firearms in public.

RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

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

DEPARTMENT OF CITRUS

RULE NO.:	RULE TITLE:
20-69.002	Requirements for Use of Imported Products

PURPOSE AND EFFECT: Amendment ensuring imported products are safe for human consumption by request of USDA.

SUBJECT AREA TO BE ADDRESSED: Amendment ensuring imported products are safe for human consumption.

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.155 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins, License & Regulation Specialist, Florida Department of Citrus, P O Box 9010, Bartow, Florida 33831-9010 or at (863)537-3956 or awiggins@citrus.state.fl.us

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.1010	Point of Entry into Proceedings

PURPOSE AND EFFECT: The purpose of this rulemaking is to delete the requirement set forth in subsection 40D-1.1010(6), F.A.C., for certain permit applicants to publish notice of agency decision on their application. Based upon the Governor’s directive to identify and delete or amend rules that are no longer necessary, duplicative of statute or unduly burdensome, the District has determined to delete this requirement. The effect will be to make publication of notices of agency action voluntary for permittees.

SUBJECT AREA TO BE ADDRESSED: Point of Entry Into Proceedings.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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: The Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC# 2011065)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.041
 RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the lower Myakka River, pursuant to Section 373.042, F.S. For purposes of this rule, the lower Myakka River extends 33 miles from the outlet of Lower Myakka Lake to the mouth of the river at Charlotte Harbor.

SUBJECT AREA TO BE ADDRESSED: Establishment of Minimum Flows for the lower Myakka River.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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swfwmd.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC# 2008069)

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DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NO.: 58L-1.008
 RULE TITLE: Administrative Assessment

PURPOSE AND EFFECT: The Department proposes to adopt rules governing the procedures to follow in conducting an administrative assessment of long-term care facilities by ombudsmen.

SUBJECT AREA TO BE ADDRESSED: The proposed rules address the time frames for conducting administrative assessments and suggestions for an exit consultation with the long-term care facility to note needed improvements and to make recommendations.

RULEMAKING AUTHORITY: 400.0071 FS.

LAW IMPLEMENTED: 400.0060(1), 400.0071, 400.0074 FS.

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

DATE AND TIME: February 16, 2012, 9:00 a.m. – 10:00 a.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Demetria Ross at rossd@elderaffairs.org or (850)414-2114. 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 IS: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113, rices@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58L-1.008 Administrative Assessment.

(1) An onsite administrative assessment should be conducted on long-term care facilities annually. The annual period for conducting an assessment shall be the federal reporting year, which is October 1 through September 30.

(2) By October 1 of each year, the district ombudsman manager (DOM), or designee, must identify all facilities within the local council's jurisdiction and develop a plan to conduct assessments by September 30 of the following year.

(3) Assessments may include observations, interviews with residents and other individuals, and a review of facility and resident records. The assessment must focus on factors affecting residents' rights, health, safety, and welfare as seen from the residents' perspectives.

(4) At the conclusion of the assessment visit, the ombudsman should:

(a) Identify the issues and concerns perceived by the residents or noted by the ombudsman;

(b) Identify those issues and concerns that were addressed or corrected by facility staff during the assessment visit;

(c) Identify those issues and concerns that remain to be addressed or corrected;

(d) Conduct an exit consultation with the facility administrator, or administrator designee, to discuss the issues and concerns and make recommendations for improvement, if any; and,

(e) Submit the assessment to the DOM, or designee, after completing the exit consultation.

(5) After review of the assessment, the DOM, or designee, must submit a summary report to the facility administrator, or administrator designee.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0060(1), 400.0071, 400.0074 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.002
 RULE TITLE: Licensing and Inspection Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect changes made to Chapter 509, F.S., by Laws of Florida, Chapter 2008-055 and Laws of Florida Chapter 2011-119. The proposed rule will also update licensing requirements and forms incorporated by reference, and include plain language changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the licensing, plan review, and inspection forms, process and requirements; changes resort license classifications to vacation rental; removes fire safety and bathroom requirements to conform to changes to the

division's authority; and removes variance procedures to allow the division to use the variance procedures in Chapter 120, Florida Statutes.

RULEMAKING AUTHORITY: 509.032, 509.241 FS.

LAW IMPLEMENTED: 213.0535, 509.032, 509.221, 509.241, 509.251, 559.79 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.002 Licensing and Inspection Requirements.

(1) No change.

(2) To apply for licensure, an applicant must submit the appropriate application and tThe required fee, pursuant to Section 509.251, F.S., and Rule 61C-1.008, F.A.C., to the division shall accompany the application, which is BPR form 21-020, APPLICATION FOR LICENSE, incorporated herein by reference and effective 9-25-96. Copies of this form may be obtained from any division office. Any license fee received by the division is non-refundable once the establishment commences operation.

(a) License Applications.

1. Public lodging establishments required to be licensed by the division, under Chapter 509, F.S., must submit DBPR HR-7027, APPLICATION FOR PUBLIC LODGING ESTABLISHMENT LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00921>), incorporated herein by reference and effective 2011 August 22. Instructions for filling out DBPR HR-7027 are provided in DBPR HR-7027i, INSTRUCTIONS FOR COMPLETING DBPR HR-7027 APPLICATION FOR PUBLIC LODGING ESTABLISHMENT LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00922>), incorporated herein by reference and effective 2011 August 22.

2. Vacation rentals required to be licensed by the division under Chapter 509, F.S., must submit DBPR HR-7028, APPLICATION FOR VACATION RENTAL LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00923>), incorporated herein by reference and effective 2011 August 22. Instructions for filling out DBPR HR-7028 are provided in DBPR HR-7028i, INSTRUCTIONS FOR COMPLETING DBPR HR-7028 APPLICATION FOR VACATION RENTAL

LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00924>), incorporated herein by reference and effective 2011 August 22.

3. Public food service establishments required to be licensed by the division under Chapter 509, F.S., must submit one of the following applications, as appropriate to the establishment.

a. DBPR HR-7007, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00925>), incorporated herein by reference and effective 2011 August 22.

Instructions for filling out DBPR HR-7007 are provided in DBPR HR-7007i, INSTRUCTIONS FOR COMPLETING DBPR HR-7007 APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00926>), incorporated herein by reference and effective 2011 August 22.

b. DBPR HR-7030, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE WITH PLAN REVIEW (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00927>), incorporated herein by reference and effective 2011 August 22. Instructions for filling out DBPR HR-7030 are provided in DBPR HR-7030i, INSTRUCTIONS FOR COMPLETING DBPR HR-7030 APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE WITH PLAN REVIEW (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00928>), incorporated herein by reference and effective 2011 August 22.

c. DBPR HR-7031, APPLICATION FOR MOBILE FOOD DISPENSING VEHICLE LICENSE WITH PLAN REVIEW (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00929>), incorporated herein by reference and effective 2011 August 22. Instructions for filling out DBPR HR-7031 are provided in DBPR HR-7031i, INSTRUCTIONS FOR COMPLETING DBPR HR-7031 APPLICATION FOR MOBILE FOOD DISPENSING VEHICLE LICENSE WITH PLAN REVIEW (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00930>), incorporated herein by reference and effective 2011 August 22.

4. Temporary public food service establishments required to be licensed by the division under Chapter 509, F.S., must submit DBPR HR-7029, APPLICATION FOR TEMPORARY EVENT VENDOR LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00894>), incorporated herein by reference and effective 2011 August 22. Instructions for filling out DBPR HR-7029 are provided in DBPR HR-7029i, INSTRUCTIONS FOR COMPLETING DBPR HR-7029 APPLICATION FOR TEMPORARY EVENT VENDOR LICENSE (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00894>), incorporated herein by reference and effective 2011 August 22. The division will provide the applicant a copy of this application, including instructions, at the time of inspection.

~~(b)(a)~~ Pursuant to Section 559.79(1), F.S., the application shall require the name, address and social security number of each person who owns 10 percent or more of the outstanding stock or equity interest in the licensed activity ~~and the name, address and social security number of each officer, director, chief executive, or other person who is determined by the division to be able directly or indirectly to control the operation of the business of the licensed entity.~~ The division shall keep the social security number of each person reported on the application shall be kept confidential by the division, except in accordance with Section 559.79(3), F.S., and as provided in law with other governmental agencies.

~~(c)(b)~~ Pursuant to Section 213.0535, F.S., the application shall require the federal employer identification number and sales tax identification number of the applicant. Such numbers shall be kept confidential by the division except as provided in conjunction with the Registration Information Sharing and Exchange Program and as provided in law with other governmental agencies.

(3) Upon the division determining that each new application for license or application for change of ownership is complete, the establishment shall pass an opening inspection by the division prior to issuance of the license. An opening inspection shall not be required for vacation rentals or vending machines. An opening inspection shall not be required for a change of ownership for public food service establishments that do not require a plan review if within 120 days prior to the postmark date on the application the establishment had a satisfactory inspection that did not result in administrative action or require a call-back inspection.

~~(4) The criteria for licensing Ppublic lodging establishments as defined in Section 509.013(4), F.S., are licensed shall be in accordance with the following classifications in Section 509.242, F.S., and requirements:~~

~~(a) Transient establishments — transient establishments are licensed classified as hotels, motels, transient apartments, and rooming houses, and vacation rentals as defined in Section 509.242, F.S., which are rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.~~

~~(b) Nontransient establishments — nontransient establishments are licensed classified as nontransient apartments and rooming houses as defined in Section 509.242, F.S., that have more than four units collectively and that are rented for periods of at least 30 days or 1 calendar month, whichever is less, and that are not advertised or held out to the public as places regularly rented for periods of less than 1 calendar month. Rooming houses do not include any establishment exempted pursuant to Section 509.013(4), F.S.~~

~~(c) Vacation rentals are licensed Resort Condominium and Resort Dwelling — each public lodging establishment classified as a resort condominium or resort dwelling and will be issued a~~

as defined in Section 509.242, F.S., shall obtain a single, group or collective license pursuant to Section 509.251, F.S., ~~prior to commencing operation.~~

1. through 2. No change.

3. A collective license is a license issued by the division to a licensed agent who represents a collective group of rooms or units found on separate ~~complexes of vacation rentals~~ ~~locations of resort condominiums or resort dwellings~~. A collective license may not be issued for more than 75 units per license and is restricted to counties within one district.

4. For the purposes of this section, the term “dwelling unit” as it relates to the definition of ~~vacation rental~~ ~~resort dwelling~~ in Section ~~509.242(1)(c)~~ ~~509.242(1)(g)~~, F.S., includes duplexes, ~~triplexes~~, quadruplexes and townhouses that have four or less units collectively.

5. Responsibilities of the Licensee.

a. No change.

b. ~~The licensee~~ ~~A licensed agent~~ or operator shall notify the division of any and all condominium units or dwelling houses or units represented for inclusion in the ~~vacation rental~~ license application ~~using BPR form 21-030, LIST FOR COLLECTIVE LICENSE RESORT CONDOMINIUMS AND RESORT DWELLINGS, incorporated herein by reference and effective 9-25-96, or BPR form 21-031, LIST FOR SINGLE OR GROUP LICENSE RESORT CONDOMINIUMS AND RESORT DWELLINGS, incorporated herein by reference and effective 9-25-96.~~ Copies of these forms may be obtained from any division office.

e. ~~Anytime a change occurs in the number of condominium units or dwelling houses or units included under the license, the licensee or operator shall notify the division of any and all units or houses included in the license. Notification of additions or deletions of resort dwelling houses or units listed in a collective license or resort condominiums units in a single or group license shall be sent to the division at least 60 days prior to the expiration date of the license. Notification of changes is required only if changes occur. In addition, a list of the included units or houses any such additions or deletions shall be maintained in a written form for inspection by request. The licensed agent or operator shall notify the division by listing the specific street address and unit number on BPR form 21-032, NOTIFICATION OF CHANGE RESORT CONDOMINIUMS AND RESORT DWELLINGS, incorporated herein by reference and effective 9-25-96. Copies of this form may be obtained from any division office.~~

~~c.~~ Failure to fulfill any of the responsibilities of the licensee, as set forth in sub-subparagraphs a. and b. e. above, constitutes failure to make the premises available for inspection.

e. ~~If a unit has been removed from a collective or group license, the licensee shall inform the division in writing.~~

~~d.~~ In the case of a single license, the owner of the unit or dwelling shall be responsible for all violations pursuant to Chapter 509, F.S., and Chapters 61C-1 and 61C-3, F.A.C.

~~e.~~ In the case of a collective license or group license, the licensed agent shall be responsible for all violations pursuant to Chapter 509, F.S., and Chapters 61C-1 and 61C-3, F.A.C., if violations occurred while the unit or dwelling was listed under the licensed agent or as reflected in records filed with the division.

(d) For all public lodging establishments except vacation rentals for resort condominiums and resort dwellings, the operator is required to notify the division immediately of any changes in the number of rental units.

(5) ~~The criteria for licensing~~ Public food service establishments, as defined in Section 509.013(5), F.S., are licensed shall be in accordance with the following classifications and requirements:

(a) Nonseating:

1. No change.

2. Mobile food dispensing vehicle – Mobile food dispensing vehicles are classified as any vehicle mounted public food service establishments which are self-propelled or otherwise movable from place to place and include self-contained ~~are self-sufficient for~~ utilities, such as gas, water, electricity and liquid waste disposal. ~~The~~ It shall be the responsibility of the owner is responsible for acquainting to ~~acquaint~~ all operators with the requirements of all applicable laws and rules. All mobile food dispensing vehicles required to have vehicle identification numbers shall submit this number to the division on the application for license. All mobile food dispensing vehicles required to have a commissary under Rule 61C-4.0161, F.A.C., must submit DBPR HR-7022, COMMISSARY NOTIFICATION, to the division upon application for plan review or application for a license, if plan review is not required.

3. Caterer ~~Catering~~ – Caterers are classified as any public food service establishments where food or drink is prepared for service elsewhere in response to an agreed upon contract for a function or event. The term includes catering kitchens and commissaries. For the purpose of this rule, the ~~The~~ term “caterer” does not include those establishments licensed pursuant to Chapter 500 or 381, F.S., or any other location where food is provided or displayed for sale by the individual meal or which exclusively prepare or serve traditional bakery goods such as cakes, pastries, bagels, or confections. A ~~If~~ a licensed public food service establishment that also provides catering services, ~~it~~ is not required to hold a separate catering license from the division. Caterers must meet all applicable standards of a public food service establishment as provided in Rules 61C-1.004, 61C-4.010 and 61C-4.023, F.A.C. Separate independent caterers utilizing the equipment or premises of a licensed public food service establishment are deemed

operators as defined by Section 509.013(2), F.S., of such public food service establishment and subject to all applicable requirements of law and rule.

4. No change.

5. Vending machines – Vending machines are classified as any self-service devices licensed pursuant to Chapter 509, F.S., which, upon insertion of coin or token, or by other means, dispense unit servings of potentially hazardous food, either in bulk or packaged, without the necessity of replenishing the device between each operation. All vending machine owners shall submit the serial number of each vending machine to the division on the application for license. The ~~It is the~~ responsibility of the vending machine owner is responsible for maintaining to maintain an accurate and current list of vending machine locations with the corresponding serial number. This list shall be made available to the division upon request. The division shall coordinate with the vending machine owner to schedule inspections with the assistance of the owner or the owner's its agent with the capability to open and demonstrate the machine.

6. Theme park food carts – Theme park food carts are classified as mobile or stationary units which operate within the confines of a theme park or entertainment complex as an extension of or in association with a fixed public food service establishment. Such carts shall be licensed collectively by the entity which maintains and operates them. The ~~It shall be the~~ responsibility of the entity which maintains and operates any food cart or group of food carts within a theme park or entertainment complex is responsible for acquainting to acquaint all operators with the requirements of all applicable laws and rules. The operator is required to notify the division immediately of any changes in the number of carts.

(b) Seating – Seating establishments are classified as those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Prior to making aAny changes in the number of seats provided which may affect the license fee, the Florida Clean Indoor Air Act, fire safety, or the wastewater disposal system, the operator must report the change bathroom requirements or any other sanitation and safety requirements provided in law or rule, shall be reported immediately to the division by submitting DBPR Form HR 5021-103, SEATING CHANGE EVALUATION (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00895>), incorporated herein by reference and effective 2008 October 22, or any document obtained from the local authorities having jurisdiction that provides proof the operator obtained approval for the change by the operator. A change in the number of seats is not valid

until approved by the division. License fees related to a seating change are not due until the license is renewed, unless the seating change is part of a license application.

(c) Plan Reviews and Variances.

1. The operator of each public food service establishment to be newly constructed, remodeled, converted, or reopened after being out of business for more than 12 months shall submit properly prepared facility plans and specifications to the division for review and approval in accordance with the provisions of Chapter 509, F.S., and Rule Chapters 61C-1 and 61C-4, F.A.C. Such plans must be approved by the division as meeting the sanitation and safety requirements provided in law prior to ~~construction, remodeling, conversion,~~ scheduling of an opening inspection and licensing. For remodeling, plan review submittal is shall not be required if the division can otherwise determine that the intended remodeling will not have an impact on ~~the Florida Clean Indoor Air Act, fire safety, bathroom requirements or any other~~ sanitation and safety requirements provided in law or rule. Plan review is not required for aApplications for change of ownership shall not require plan review when no interruption in operation or no change to the establishment, construction, remodeling or conversion occurs. Plan reviews for additional vending machines and theme park food carts are shall not be required if such units have been previously reviewed and approved and have no modifications from the originally approved model.

2. The plans and specifications specification shall indicate the general operation of the establishment; the intended menu items; location of employee and public bathrooms; cuisine concept, proposed layout, including all work, guest, and employee areas and storage facilities; arrangement, mechanical plans, and construction finishes materials of work areas; and equipment location, design and installation, including the type ~~and model~~ of proposed fixed equipment and facilities. Plans and specifications must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7005 BPR Form 21-010, APPLICATION FOR PLAN REVIEW (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00931>), incorporated be reference herein and effective 2011 August 22, or DBPR HR-7030, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE WITH PLAN REVIEW. Plans and specifications or for mobile food dispensing vehicles; must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7006 BPR Form 21-017, MOBILE FOOD DISPENSING VEHICLE VEHICLES PLAN REVIEW APPLICATION (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00933>), incorporated herein by reference and effective 2011 August 22 9-25-06, or DBPR HR-7031, APPLICATION FOR MOBILE FOOD DISPENSING VEHICLE LICENSE WITH PLAN REVIEW. Instructions for filling in DBPR HR-7005 are provided in

DBPR HR-7005i, INSTRUCTIONS FOR COMPLETING DBPR HR-7005 APPLICATION FOR PLAN REVIEW (https://www.flrules.org/Gateway/reference.asp?No=Ref-00932), incorporated herein by reference and effective 2011 August 22. Instructions for filling in DBPR HR-7006 are provided in DBPR HR-7006i, INSTRUCTIONS FOR COMPLETING MOBILE FOOD DISPENSING VEHICLE PLAN REVIEW APPLICATION (https://www.flrules.org/Gateway/reference.asp?No=Ref-00934), incorporated herein by reference and effective 2011 August 22. Copies of these forms may be obtained from any division office. The division shall review plans in the order in which they were received and shall grant or deny approval of the plans in writing pursuant to the provisions of Chapter 120, F.S.

3. When the establishment's water source is a well or the sewer source is an onsite sewage treatment and disposal system, applicants for plan review must also submit the Department of Health's Interagency – DOH/DACS/DBPR Onsite Sewage (Septic) and Water Supply Evaluation, which is available with the division's application forms. In accordance with Section 509.032(2)(e), F.S., the division shall grant variances from construction standards described by this rule in hardship cases. Hardship cases include circumstances when physical or structural limitations of the premises preclude compliance with the division's requirements or when the establishment conforms to classification as a historic property as described in Section 509.215(6)(a), F.S. It is the responsibility of the applicant to demonstrate the hardship to the division prior to approval of the variance request.

a. Each variance request shall be accompanied by the appropriate fee as described in Rule 61C-1.008, F.A.C., supportive materials and documents such as a copy of the establishment's license, construction plans and specifications for new or extensively remodeled establishments, and any other information necessary for rendering a decision. The burden of presenting pertinent and supportive facts shall be the responsibility of the applicant.

b. Emergency variance requests must be acted upon within 30 days of receipt by the division of all information necessary for the Advisory Council to determine the existence of a hardship.

e. All routine variance requests shall be acted upon at the next regularly scheduled Advisory Council meeting. A completed variance request form must be received by the division at least 10 business days prior to any scheduled Advisory Council meeting. The division shall make available to the public, through the division's district offices, a schedule of all Advisory Council meetings.

d. The Advisory Council shall review variance requests and recommend agency action to the director. Upon consideration of the merits of each variance request and the recommendations of the Advisory Council, the director or designee shall either grant a variance, as requested, or deny the

variance request. The division shall enforce variance provisions and shall take administrative action to ensure compliance with the terms of a variance.

4. Whenever plans are disapproved or a variance request is denied, the division shall notify the applicant of their right to request a hearing on the matter. Notification shall be in writing and shall indicate that a hearing must be requested within 30 days of the applicant's receipt of notice. The division shall grant or deny a hearing request within 10 days of receipt. All hearings shall be conducted in accordance with the provisions of Chapter 120, F.S.

(d) A public food service establishment operating in conjunction with a public lodging establishment must obtain a separate public food service establishment license from with the division, unless the only food served at the public lodging establishment is packaged or prepackaged as defined in Rule 61C-1.001, F.A.C. In such cases, the establishment which prepares the food is subject to the licensing provisions of this chapter, unless otherwise exempt.

(6) Renewal – The licensee is responsible for renewing It is the responsibility of the licensee to renew the license prior to the expiration date. The department provides division makes available to all licensees an application for license renewal BPR form 21-021, APPLICATION FOR LICENSE RENEWAL, incorporated herein by reference and effective 3-31-94, which contains all information required by law to renew the license. Any public lodging establishment or public food service establishment operating on an expired license is deemed to be operating without a license, and subject to the penalties provided for this offense in law and rule. Annual renewal dates for all establishments are determined by district and county in the counties indicated are as follows:

(a) through (g) No change.

(7) The division shall issue a license, which is BPR form 21-022, PUBLIC LODGING AND FOOD SERVICE LICENSE, incorporated herein by reference and effective 9-25-96, to each public lodging establishment and public food service establishment which has satisfied the requirements of Chapter 509, F.S., and this chapter upon initial licensing and annual renewal. In addition to the license, the division shall issue a license decal, which is BPR form 21-023, LICENSE DECAL, incorporated herein by reference and effective 9-25-96, to each mobile food dispensing vehicle, theme park food cart and vending machine, which must be prominently displayed and affixed to the vehicle, cart or machine. Copies of these forms may be obtained by written request to the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1015.

(8) General Inspection Requirements.

(a) Division personnel shall inspect all public lodging establishments as often as necessary for enforcement of the provisions of law and rule and protection of the public's health, safety and welfare. The result of each inspection shall be

recorded on DBPR Form HR-5022-014, LODGING INSPECTION REPORT (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00935>) ~~BPR form 22-014, LODGING INSPECTION REPORT~~, incorporated herein by reference and effective 2009 December 3 9-25-96, a legible copy of which shall be provided to the operator. ~~Copies of this form may be obtained from any division office.~~

(b) Division personnel shall inspect all public food service establishments and other places where food is served to or prepared for service to the public as often as necessary for enforcement of the provisions of law and rule and protection of the public's health, safety and welfare. The result of each inspection shall be recorded on DBPR Form HR-5022-015, FOOD SERVICE INSPECTION REPORT (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00936>) ~~BPR form 22-015, FOOD SERVICE INSPECTION REPORT~~, incorporated herein by reference and effective 2009 October 1 9-25-96, a legible copy of which shall be provided to the operator. ~~Copies of this form may be obtained from any division office.~~ Persons operating a public food service establishment shall permit division personnel right of entry during operating hours to observe food preparation and service, and if necessary examine records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used.

(c) through (d) No change.

(9) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850)487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Rulemaking Specific Authority 509.032(2)(d), (6), 509.241(4) FS. Law Implemented 213.0535, 509.032(2)(a), (d), (e), (6), 509.221, 509.241(1), (3), 509.242, 509.251, 559.79(1) FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, 9-9-03.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0024
 RULE TITLE: Supervision of Business Entities
 PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to explain how the Board determines supervision of business entities.
 SUBJECT AREA TO BE ADDRESSED: Supervision of business entities.

RULEMAKING AUTHORITY: 455.203 FS.
 LAW IMPLEMENTED: 455.201, 455.203, 489.108 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.015
 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the PA disciplinary guidelines in response to comments submitted by the staff of the Joint Administrative Procedures Committee.
 SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for physician assistants.
 RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 458.331(4), 458.347(4)(e)1., (7)(g) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
 RULE TITLE: Documentation of Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes to amend the rule language to recognize post-baccalaureate education in establishing eligibility for licensure, correct statutory references, include ABC certification for pedorthists and update the licensure form.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Registration.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.005 RULE TITLE: Documentation of Eligibility for Registration

PURPOSE AND EFFECT: The Board proposes the amendment to this rule to establish necessary documentation of eligibility for registration, delete unnecessary language and to update the form revision date.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Registration.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The Board is revising and incorporating by reference the Registration Supervisor Update form required.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prosthetic or Orthotic Residency or Internship.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-5.002 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

RULEMAKING AUTHORITY: 468.802, 468.806(2), (3) FS.

LAW IMPLEMENTED: 456.013(9), 456.024, 468.806(2), (3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-5.005 Mandatory Courses

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language to be certain that mandatory course approval may not be delegated by the Board and that the prevention of medical errors course shall cover the substance of proper record keeping in the prevention of medical errors.

SUBJECT AREA TO BE ADDRESSED: Mandatory Courses.

RULEMAKING AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.802, 468.803, 468.806, 468.808, 468.809 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.011 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the PA disciplinary guidelines in response to comments submitted by the staff of the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for physician assistants.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 459.015(5), 459.022(4)(e)1., (7)(f) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-14.0051 Standards of Practice for Physicians Practicing in Pain Management Clinics

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to re-title the rule as “Training Requirements for Physicians Practicing in Pain Management Clinics,” and to delete all language in the current rule except for the training requirements currently set forth in paragraph (2)(n).

SUBJECT AREA TO BE ADDRESSED: Deletion of all provisions in the rule except for the training requirements.

RULEMAKING AUTHORITY: 459.0137(4) FS.

LAW IMPLEMENTED: 459.0137 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-19.002 Violations and Penalties

PURPOSE AND EFFECT: The Board proposes the development of rule amendments address written comments submitted by the staff of the Joint Administrative Procedures Committee and to set forth additional statutory violations and the penalties for those violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for statutory violations.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-22.004
 RULE TITLE: Mandatory Registration of Unlicensed Physicians

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate the revised application for unlicensed physicians into the rule and to delete language which is unnecessary.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the revised application for unlicensed physicians into the rule the deletion of language which is unnecessary.

RULEMAKING AUTHORITY: 459.005, 459.021 FS.

LAW IMPLEMENTED: 459.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-21.014
 RULE TITLE: Credit Underwriting Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to address the process for evaluating requests for the transfer of the general partnership interests from a for-profit entity to a not for-profit entity.

SUBJECT AREA TO BE ADDRESSED: Subject area to be addressed is revision to the rules that address ownership of properties by for-profit entities.

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.509 FS.

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

DATE AND TIME: January 26, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

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: Matthew Sirmans at (850)488-4197. 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: Matthew Sirmans, Assistant General Counsel, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.0072
 RULE TITLE: Credit Underwriting and Loan Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to address the process for evaluating requests for the transfer of the general partnership interests from a for-profit entity to a not for-profit entity.

SUBJECT AREA TO BE ADDRESSED: Subject area to be addressed is revision to the rules that address ownership of properties by for-profit entities.

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: January 26, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

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: Matthew Sirmans at (850)488-4197. 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:

Matthew Sirmans, Assistant General Counsel, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.036 RULE TITLE: Arts and Cultural Grants

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines and grant report form for the General Program Support Program and the Specific Cultural Project Program. The guidelines for both programs updates eligibility criteria, match requirements, application submission criteria, panel review and evaluation criteria, amend materials incorporated by reference, and update the application form. The General Program Support Program funding formula is revised to provide for a minimum grant award for eligible applicants.

SUMMARY: The proposed rule incorporates the latest General Program Support Program and Specific Cultural Project Program guidelines and administrative forms. Amendments to the guidelines include eligibility criteria, allowable costs, application procedures, matching funds, reporting requirements, and a minimum award for the General Program Support Program.

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: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, January 30, 2012, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Cultural Affairs (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the 2013-2014 ~~2011-2012~~ guidelines for the following programs, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference:

(a) Cultural and Museum Grants Program. Provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(b) Specific Cultural Projects Program. Provides funding for arts in education, underserved cultural community development, culture builds Florida, and other nonprofit public or private organizations having specific cultural project activity in any of the arts and cultural disciplines in Section 265.283(7), F.S.

(3) The following application form is available from the Division at www.Florida-arts.org and is hereby incorporated by reference: Cultural and Museums Grants Program and Specific Cultural Projects Program Application (Form CA2E145), effective 4/2012 ~~6/10~~;

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Grant Report Form and State Funds Expenditure Log (Form CA2E004), effective 4/2012 ~~6/10~~;

(b) Grant Amendment Request (Form CA2E002), effective 4/2012 ~~6/10~~;

(c) Grant Award Agreement (Form CA2E142), effective 4/2012 ~~6/10~~;