

64B33-2.002 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

Rulemaking Authority 456.034, 468.705, 468.711 FS. Law Implemented 456.013(7), 456.034, 468.707(2), 468.711(2), (3) FS. History—New 5-29-96, Formerly 61-25.003, 64B30-25.003, Amended 8-22-00, Amended 7-29-09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12D-8.0065	Transfer of Homestead Assessment Difference; “Portability”; Sworn Statement Required; Denials; Late Applications

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.001	Scope of Chapter Rules
64E-28.002	Definitions
64E-28.003	Licensure Requirements for a Tattoo Artist

64E-28.005	Licensure Requirements for a Tattoo Establishment
64E-28.007	Operational Requirements for a Tattoo Establishment
64E-28.008	Operational Requirements for a Temporary Tattoo Establishment
64E-28.009	Standards of Practice for a Tattoo Artist or Guest Tattoo Artist

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business and will increase regulatory costs. The agency prepared a SERC showing that the rules will impact approximately 1,050 tattoo establishments/temporary establishments, 1,800 tattoo artists, and 250 guest artists. Although the estimated regulatory costs total over \$300,000, the industry currently operates with annual expenses over \$600,000. The rules will increase regulatory costs but should decrease the overall costs incurred by the industry. The majority of the businesses operating as tattoo establishments can be categorized as small businesses and will incur minimal costs associated with these rules and the statutory requirements. These costs should be offset by the elimination of the costs associated with supervision, which was previously required of tattoo establishments. At this time, no alternative proposals have been submitted. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., F.S.

Rule 64E-28.010, Forms, and Rule 64E-28.011, Fee Schedule, have been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.002	Definitions
64E-28.003	Licensure Requirements for a Tattoo Artist
64E-28.004	Registration Requirements for a Guest Tattoo Artist
64E-28.005	Licensure Requirements for a Tattoo Establishment
64E-28.007	Operational Requirements for a Tattoo Establishment

64E-28.008 Operational Requirements for a Temporary Tattoo Establishment

(b) No change.

64E-28.009 Standards of Practice for a Tattoo Artist or Guest Tattoo Artist

(4) No change.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00771, 381.00775, 381.00779, 381.00781 FS. History--New _____.

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. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

64E-28.004 Registration Requirements for a Guest Tattoo Artist.

64E-28.002 Definitions.

(1) through (10) No change.

(1) A guest tattoo artist seeking registration by the department shall:

(11) Inactive license – A tattoo establishment or artist license which has not been renewed on or before the date of expiration October 1.

(12) through (21) No change.

(a) Submit, at least fourteen (14) days prior to practicing tattooing in any licensed tattoo establishment or licensed temporary tattoo establishment, a completed application for registration to the department on Form DH 4150, 7/12 5/12, Application for Guest Tattoo Artist Registration, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artists lives, or from the internet at _____ or <http://www.myfloridaeh.com/community/Tattoo/index.html>. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.010, and the following documentation is attached:

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789 FS. History--New _____.

64E-28.003 Licensure Requirements for a Tattoo Artist.

(1) An applicant seeking initial licensure as a tattoo artist shall:

1. through 3. No change.

(b) No change.

(2) through (4) No change.

(a) Submit a completed application for licensure licenser to the department on form DH 4147, 7/12 5/12, Application for Tattoo Artist License, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artist lives, or from the internet at _____ or <http://www.myfloridaeh.com/community/Tattoo/index.html> ~~tap://www.myfloridaeh.com/community/Tattoo/index.html~~.

An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.010, and the following documentation is attached:

64E-28.005 Licensure Requirements for a Tattoo Establishment.

(1) No change.

(a) Prior to performing tattooing, a completed application shall be submitted to the county health department on form DH 4151, 7/12 5/12, Application for Tattoo Establishment Licensure, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the establishment is physically located, or from the internet at _____ or <http://www.myfloridaeh.com/community/Tattoo/index.html>.

An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.010, F.A.C.

1. through 2. No change.

~~(b) Complete a department approved course, as described in subparagraph 2., within six months of the effective date of this chapter.~~

(2) A tattoo artist's license is valid, throughout the state of Florida, for one year; from the date it is issued October 1 to September 30 of the following year, throughout the state of Florida.

(b) A license for a tattoo establishment is valid for one year; from the date it is issued beginning October 1 and ending September 30.

(3) A tattoo artist seeking licensure renewal shall:

(c) A license which has not been renewed on or before the date of expiration September 30 shall be deemed inactive. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after the date of expiration September 30.

(a) Annually, submit a completed application for license renewal on Form DH 4147 before the date of expiration October 1.

1. No change.

(2) through (4) No change.

2. A license which has not been renewed on or before the date of expiration September 30 shall be deemed inactive. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after the date of expiration September 30.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00777 FS. History--New _____.

64E-28.007 Operational Requirements for a Tattoo Establishment.

(1) through (21) No change.

(22) A tattoo establishment shall allow the department to conduct, at minimum, annual inspections for the purpose of ensuring compliance with Sections 381.00771-381.00791, F.S., and these rules. Results of each inspection shall be recorded on DH Form 4153, 7/12 5/42, Tattoo Establishment Inspection Report, herein incorporated by reference and which can be obtained at _____ or from the environmental health section of the county health department having jurisdiction.

(23) No change.

~~(24)~~(23) Tattoo establishments, currently operating on the effective date of this chapter, which are not in full compliance with the handsink and cleaning sink requirements shall have six months from the effective date of this chapter to comply with the requirements.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

64E-28.008 Operational Requirements for a Temporary Tattoo Establishment.

(1) No change.

(2) A temporary establishment shall have rigid perimeter walls, a rigid floor, and a rigid ceiling. Floors in the tattooing area and the area where items are cleaned and sterilized shall be constructed of nonabsorbent, easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(3) No change.

(4) A temporary establishment shall allow the department to conduct, at minimum, an initial inspection prior to and, if deemed necessary, during the convention or similar event for the purpose of ensuring compliance with Sections 381.00771-381.00791, F.S., and these rules. Results of each inspection shall be recorded on DH Form 4153, 7/12 5/42, Tattoo Establishment Inspection Report.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

64E-28.009 Standards of Practice for a Tattoo Artist or Guest Tattoo Artist.

(1) No change.

(a) through (e) No change.

(f) Date(s) tattooing procedure is performed.

(2) through (3)(a) No change.

(b) Obtain a signed and notarized consent by the minor's parent or legal guardian on form DH 4146, 7/12 5/42, Written Notarized Consent For Tattooing of a Minor Child, Age 16 through 17 Years Old, which is incorporated herein by reference and which can be obtained from the environmental

health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artist lives or the tattoo establishment is physically located, or from the internet at _____ or <http://www.myfloridaeh.com/community/Tattoo/index.html>.

(c) No change.

(4) through (10) No change.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

Forms incorporated by reference have been revised. Revisions made to forms DH 4146, DH 4147, DH, 4150, and DH 4151, include the effective date; the specific rule incorporating the form by reference; and the specific statutory authority. Forms DH 4147, DH 4150, and DH 4151 have been revised to include criminal penalties as prescribed by Section 381.00785, F.S., and current proposed rule language specific to licensure requirements.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.010	Forms
64E-28.011	Fee Schedule

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE NOS.:	RULE TITLES:
65B-38.001	Purpose and Intent
65B-38.002	Definitions
65B-38.003	General Standards
65B-38.004	Responsibilities for Operation
65B-38.005	License Required
65B-38.006	Licensure Procedure
65B-38.007	Admission Policies
65B-38.011	Dietary Services
65B-38.012	Drugs and Pharmaceutical Services
65B-38.013	Dental Services
65B-38.015	Training, Habilitation, Professional, and Special Programs and Services
65B-38.018	Psychological Services
65B-38.023	Administrative Management
65B-38.024	Personnel Standards
65B-38.025	Fiscal Standards

- 65B-38.026 Plant Maintenance and Housekeeping
- 65B-38.027 Rules of Procedures for Hearings
- 65B-38.028 Life Safety and Fire Protection
- 65B-38.030 Construction and Physical Environment Standards
- 65B-38.032 Severability
- 65B-38.033 Developmental Services Institutions and Developmental Services Funded Community Residential Facilities

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly.

NOTICE OF CORRECTION

Notice is given of the following correction to the proposed rule in Vol. 38, No. 17, April 27, 2012, issue of the Florida Administrative Weekly. The proposed rule was originated by Gregory D. Venz, Assistant General Counsel, (850)488-8687 or gregory_venz@dcf.state.fl.us.

THE AGENCY HEAD WHO APPROVED THE PROPOSED RULE IS: David E. Wilkins, Secretary

THE AGENCY HEAD APPROVED THE PROPOSED RULE ON: December 7, 2011.

STATEMENT OF LEGISLATIVE RATIFICATION: The Agency has determined the proposed rule is not expected to require legislative ratification based on the statement estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The complete repeal of Chapter 65B-38, F.A.C., will impose no regulatory costs on any entity.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

- RULE NO.: 69K-1.001
- RULE TITLE: List of Approved Forms; Incorporation by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 19, May 11, 2012 issue of the Florida Administrative Weekly.

The following is substituted for what was published at the end of first paragraph of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: A SERC has been prepared by the agency.

The agency has determined that the proposed rule is not expected to require legislative ratification based upon the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the

proposed rule’s potential impact and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

FINANCIAL SERVICES COMMISSION

Indexing Agency Orders

- RULE NO.: 69T-8.002
 - RULE TITLE: Purpose
- NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 18, May 4, 2012 issue of the Florida Administrative Weekly. The Agency has determined that the proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein: 1) No requirement for a SERC was triggered under Section 120.541(1) and 2) The rule repeal will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

FINANCIAL SERVICES COMMISSION

Finance

- RULE NOS.: 69V-40.177
- RULE TITLES: Mortgage Brokerage and Lending Transaction Journal
- 69V-40.265
- Mortgage Brokerage and Lending Transaction Journal

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 18, May 4, 2012 issue of the Florida Administrative Weekly. The actual publication date of the Notice of Proposed Rule Development for these rules was February 17, 2012 not February 10, 2012.

FINANCIAL SERVICES COMMISSION

Finance

- RULE NO.: 69V-560.901
- RULE TITLE: Scope

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 18, May 4, 2012 issue of the Florida Administrative Weekly. 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: 1) No requirement for a SERC was triggered under Section 120.541(1) and 2) The rule repeal will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.