

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.099822 School Improvement Rating for
Alternative Schools

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to incorporate changes on the process of crediting back assessment results from students at alternative schools to their home schools. In addition, technical edits need to be made to align the calculation of school improvement ratings more closely with the school grades calculation.

SUMMARY: This rule amendment aligns the rule language to statutory language and how students' achievement scores and learning gains will be included in their home school's grade.

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: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with the school improvement rating rule and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, FL 32399, Ed.Croft@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) through (4) No change.

(5) Procedures for Calculating School Improvement Ratings for Alternative Schools. The school improvement ratings for alternative schools will be considered fully implemented with the following accountability elements:

(a) The school improvement rating shall be based on a comparison of student learning gains for the current year and previous year. The learning gains definition will be consistent with the learning gains definition for school grades defined in Rule 6A-1.09981, F.A.C. The school improvement rating shall be calculated for each alternative school that has chosen to be rated by this method and, to ensure statistical reliability of results in accordance with Section 1008.34(3)(a)1., F.S., has:

1. A minimum of ten (10) eligible students with valid FCAT 2.0 or FAA assessment Florida Comprehensive Assessment Test (FCAT) scores in reading in the current and two previous years; and

2. A minimum of ten (10) eligible students with valid FCAT 2.0, FAA, or EOC assessment Florida Comprehensive Assessment Test (FCAT) scores in math in the current and two previous years.

(b) The school improvement rating shall be designated as following:

1. "Improving" means the schools with students making more academic progress than when the students were served in their home schools. In order for a school to earn an "improving" designation, the percent of students making learning gains in reading and math in the current year must be at least five percentage points higher than the percent of the same students making learning gains in the prior year in their home school.

2. "Maintaining" means schools with students making progress equivalent to the progress made when the students were served in their home schools. In order for a school to earn a "maintaining" designation, the percent of students making learning gains in reading and math in the current year must be less than five percentage points above or below the percent of the same students making learning gains in the prior year in their home school.

3. "Declining" means schools with students making less academic progress than when the students were served in their home schools. In order for a school to earn a "declining" designation, the percent of students making learning gains in

reading and math in the current year must be at least five percentage points lower than the percent of the same students making learning gains in the prior year in their home school.

(c) The Commissioner shall withhold the designation of a school’s improvement rating if performance data is determined to not accurately represent the progress of the school. Circumstances under which a school’s performance data may be considered to not accurately represent the progress of the school include:

1. Less than ninety (90) percent of the school’s student population eligible for inclusion in the designation of the school’s improvement rating were assessed;

2. Circumstances identified before, during, or following the administration any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the Department.

The school’s improvement rating shall be designated incomplete (I) until the state, district, and/or local investigation(s) are complete. If, following the completion of investigations, data are determined to accurately represent the performance of the school, a school improvement designation reflecting the data will be reported.

(d) After the initial issuance of the school improvement ratings, school districts shall have the opportunity to review and submit for state review any appeal of the calculation as outlined in paragraph 6A-1.09981(9)(c), F.A.C.

(6) Student Performance Credited to Home School When Alternative School Receives a School Improvement Rating. If an alternative school chooses to be evaluated through a school improvement rating rather than a school grade, and the alternative school is not a charter alternative school established pursuant to Section 1002.33, F.S., the state assessment scores student performance of eligible students (identified in Section 1008.34(3)(b)3., F.S.) shall be included in the students’ home school’s grade as well as the alternative school’s school improvement rating. An eligible student’s assessment scores performance will be included in the calculation of the home school’s grade in accordance with the provisions of paragraph 6A-1.09981(4)(a), F.A.C. ~~overall percentage of students making learning gains in reading and in math,~~ provided that the student is enrolled in a grade level at the alternative school that is offered by the student’s home school.

Rulemaking Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History—New 4-14-08, Amended 6-22-09, 4-8-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jane Fletcher, Interim Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-94.001	Purpose
14-94.002	Definitions
14-94.003	Statewide Minimum Level of Service Standards

PURPOSE AND EFFECT: The proposed rule amendments will repeal Rule Chapter 14-94, F.A.C.

SUMMARY: Section 163.3180(10), F.S., which required the Department to adopt rules for the lowest acceptable level of service standards for transportation facilities, was repealed. Local governments will consult with the Department as required by Section 163.3180(5)(h)1., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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: Based upon the Department’s economic impact analysis, the agency has determined that this rule chapter does not require a SERC. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

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: 163.3180(10), 334.044(2) FS. LAW IMPLEMENTED: 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61, 339.62, 339.63, 339.64 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

14-94.001 Purpose.

~~(1) The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, F.S. which creates the Transportation Regional Incentive Program (TRIP). This rule chapter is intended to promote public safety and general welfare, ensure the mobility of people and goods, and preserve the facilities on the SHS, SIS, and facilities funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP will be used by the Department in the review of local government comprehensive plans, assessing impacts related to developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, F.S.~~

~~(2) This rule chapter does not supersede or negate the provisions of Chapter 9J 5, F.A.C., pertaining to the preparation and adoption of local comprehensive plans or plan amendments by local governments.~~

~~Rulemaking Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-.64 FS. History—New 4-14-92, Amended 5-8-06, Repealed _____.~~

14-94.002 Definitions.

As used in this rule chapter, the following definitions apply:

~~(1) “Communities” means incorporated places outside urban or urbanized areas, or unincorporated developed areas having a population of 500 or more identified by local governments in their local government comprehensive plans and located outside of urban or urbanized areas.~~

~~(2) “Controlled Access Facilities” means non-limited access arterial facilities where access connections, median openings, and traffic signals are highly regulated.~~

~~(3) “Exclusive Through Lanes” means roadway lanes exclusively designated for intrastate travel, which are physically separated from general use lanes, and to which access is highly regulated. These lanes may be used for high occupancy vehicles and express buses during peak hours if the level of service standards can be maintained.~~

~~(4) “Florida Intrastate Highway System (FIHS)” means the highway system established pursuant to Section 338.001, F.S., which comprises a statewide network of limited and controlled access facilities. The primary function of the system is for high speed and high volume traffic movements within the state.~~

~~(5) “General Use Lanes” means roadway lanes not exclusively designated for long distance high speed travel. In urbanized areas general use lanes include high occupancy vehicle lanes not physically separated from other travel lanes.~~

~~(6) “Level of Service (LOS)” for highways means a quantitative stratification of the quality of service to a typical traveler on a facility into six letter grade levels with “A” describing the highest quality and “F” describing the lowest quality. The indicated LOS standards designate lowest acceptable operating conditions for the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest volume hour represents the typical peak hour during the peak season. Definitions and measurement criteria used for minimum LOS standards are based on the Transportation Research Board Highway Capacity Manual 2000. All LOS evaluations are to be based on the Transportation Research Board Highway Capacity Manual 2000, the Department’s 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. The Transportation Research Board Highway Capacity Manual 2000 and the Department’s 2002 Quality/Level of Service Handbook are hereby incorporated by reference and made a part of these rules. The National Transportation Research Board’s Highway Capacity Manual 2000, is available from the Transportation Research Board, National Research Council, Washington, D.C. The Department’s 2002 Quality/Level of Service Handbook may be found at: http://www.dot.state.fl.us/planning/systems/sm/los/los_sw2.htm.~~

~~(7) “Limited Access Facilities” means multilane divided highways having a minimum of two lanes for exclusive use of traffic in each direction and full control of ingress and egress; this includes freeways and all fully controlled access roadways.~~

~~(8) “Other State Roads” means roads on the SHS which are not part of the FIHS.~~

~~(9) “Peak Hour” means the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon.~~

~~(10) “Multimodal Transportation Districts (MMTDs)” means areas in which secondary priority is given to vehicle mobility and primary priority is given to assuring a safe, comfortable and attractive pedestrian environment with convenient interconnection to transit. Local government comprehensive plans may establish multimodal LOS standards within MMTDs pursuant to Section 163.3180(15), F.S.~~

~~(11) “Regionally Significant Roadways” means as established pursuant to Section 339.2819, F.S.~~

~~(12) “Roadways Parallel to Exclusive Transit Facilities” means roads that generally run parallel to and within one half mile of exclusive transit facilities, which are physically separated rail or roadway lanes reserved for multipassenger use by rail cars or buses serving large volumes of home/work trips~~

during peak travel hours. Exclusive transit facilities do not include downtown people movers, or high occupancy vehicle lanes unless physically separated from other travel lanes.

(13) "Rural Areas" means areas not included in an urbanized area, a transitioning urbanized area, an urban area, or a community.

(14) "Strategic Intermodal System (SIS)" means as established pursuant to Sections 339.61-.64, F.S.

(15) "SIS Connectors" means designated roadways that connect SIS hubs to SIS highways. These may be either on or off the SIS.

(16) "SIS Hubs" means ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world. These include commercial service airports, deepwater seaports, space ports, interregional rail and bus terminals, and freight rail terminals.

(17) "Transitioning Urbanized Areas" means the areas outside urbanized areas, but within the MPO Metropolitan Planning Area Boundaries, that are expected to be included within the urbanized areas within the next 20 years based primarily on the U.S. Bureau of Census urbanized criteria.

(18) "Transportation Concurrence Exception Area (TCEA)" means an area which is so designated by a local government pursuant to Section 163.3180, F.S.

(19) "Transportation Concurrence Management Area (TCMA)" means a geographically compact area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A TCMA may be designated in local government comprehensive plans in accordance with Section 163.3180, F.S.

(20) "Transportation Regional Incentive Program (TRIP)" means as established pursuant to Section 339.2819, F.S.

(21) "Urban Areas" means places with a population of at least 5,000 which are not included in urbanized areas based on the most recent U.S. Census. The applicable boundary encompasses the urban area as well as the surrounding geographical area as determined by the Federal Highway Administration (FHWA), the Department, and local government. The boundaries are commonly called FHWA Urban Area Boundaries and include areas expected to have medium density development before the next decennial census.

(22) "Urbanized Areas" means the urbanized areas designated by the U.S. Bureau of Census as well as the surrounding geographical areas, as determined by the FHWA, the Department, and the Metropolitan Planning Organization, and are commonly called FHWA Urbanized Area Boundaries. The over or under 500,000 classifications distinguish urbanized area populations based on the most recent U.S. Census.

Rulemaking Specific Authority 163.3180(10), 334.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-.64 FS. History—New 4-14-92, Amended 5-8-06, Repealed _____.

14-94.003 Statewide Minimum Level of Service Standards.

(1) The Statewide Minimum LOS Standards are as follows:

STATEWIDE MINIMUM LEVEL OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM, ROADWAYS ON THE STRATEGIC INTERMODAL SYSTEM (SIS), ROADWAYS ON THE FLORIDA INTRASTATE HIGHWAY SYSTEM (FIHS) AND ROADWAY FACILITIES FUNDED IN ACCORDANCE WITH SECTION 339.2819, FLORIDA STATUTES, THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP)				
	SIS AND FIHS FACILITIES		TRIP FUNDED FACILITIES AND OTHER STATE ROADS ³	
	Limited Access Highway ⁴ (Freeway)	Controlled Access Highway ⁴	Other Multilane ⁴	Two Lane ⁴
Rural Areas	B	B1	B	C
Transitioning Urbanized Areas, Urban Areas, or Communities	C	C	C	C
Urbanized Areas Under 500,000	C(D)	C	D	D
Urbanized Areas Over 500,000	D(E)	D	D	D
Roadways Parallel to Exclusive Transit Facilities	E	E	E	E
Inside TCMA's	D(E)2	E2	--2	--2
Inside TCEA's ² and MMTD's ²	--2	--2	--2	--2

Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

1. For rural two-lane facilities, the standard is C.
2. Means the Department must be consulted as provided by Section 163.3180(5), (7), or (15), Florida Statutes, regarding level of service standards set on SIS or TRIP facilities impacted by TCMAs, MMTDs, or TCEAs respectively.
3. Means the level of service standards for non-TRIP facilities may be set by local governments in accordance with Rule 9J-5.0055, F.A.C.
4. It is recognized that certain roadways (i.e., constrained roadways) will not be expanded by the addition of through lanes for physical, environmental, or policy reasons. In such instances, a variance to the level of service may be sought pursuant to Section 120.542, Florida Statutes.

NOTE: Level of service letter designations are defined in the Department's 2002 Quality/Level of Service Handbook.

~~(2) Specific assumptions and restrictions that apply to these minimum LOS standards are:~~

~~(a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.~~

~~(b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual Special Report 2000.~~

~~(c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual Special Report 2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or Circular 212, shall not be used.~~

~~(3) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:~~

~~(a) Minimum LOS Standards for SIS Highways:~~

~~1. Limited access SIS highways shall adhere to the limited access FHHS LOS standards.~~

~~2. Controlled access SIS highways shall adhere to the controlled access FHHS LOS standards.~~

~~3. These standards shall apply regardless whether the facility is FHHS, SHS, or under other jurisdiction.~~

~~(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors shall be LOS D.~~

~~(c) Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP:~~

~~1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.~~

~~2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.~~

Rulemaking Specific Authority 163.3180(10), 334.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-.64 FS. History--New 4-14-92, Amended 5-8-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Douglas McLeod, Manager, Highway Data Analysis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

**STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.001 RULE TITLE: Application

PURPOSE AND EFFECT: To update the form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application, the Florida Prepaid College Plan Add-a-Plan Application, and the Master Covenant, and to update the name of the Florida College Investment Plan to the "Florida 529 Savings Plan."

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form, Florida Prepaid College Plan Add-a-Plan application form and Florida Prepaid College Plan Master Covenant, and the new name for the Florida College Investment Plan to the Florida 529 Savings Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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.

The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(1) 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: Kevin Thompson, (850)488-8514. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida 529 Savings College Investment Plan New Account Application, Form No. FPCB 2013-01 ~~2012-01~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Master Covenant, Form No. FPCB 2013-02 ~~2012-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add-a-Plan Application, Form No. FPCB 2013-03 ~~2012-03~~, is hereby incorporated by referenced and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE

19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT OF THE AREA TO BE ADDRESSED: This rule is amended to update the name of the Florida College Investment Plan to be named the “Florida 529 Savings Plan.”

SUMMARY: The Florida Prepaid College Board has changed the name of the Florida College Investment Plan to be named the “Florida 529 Savings Plan.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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.

The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

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: Kevin Thompson, (850)488-8514. 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 FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, by seven (7), and rounding the resulting product

downward to the nearest \$1,000.00 increment. In determining the qualified higher education expenses at the most expensive eligible educational institution, the Board will consult the figures compiled by the College Board and published in the annual College Handbook which is found at the College Board's website at <http://store.collegeboard.com>. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida 529 Savings College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) No change.

(3) If the Board receives an application for an advance payment contract or an additional plan as an addendum to an advance payment contract for a beneficiary and the sum of the redemption value of that application's benefit(s), the redemption value of any existing advance payment contract for that beneficiary and the account balance of a Florida 529 Savings College Investment Plan account for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08, 10-18-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE

19B-6.001 Fee Schedule

PURPOSE AND EFFECT OF THE AREA TO BE ADDRESSED: This rule is amended to reflect the updated name Florida College Investment Plan to the "Florida 529 Savings Plan."

SUMMARY: The Florida College Investment Plan's new name will be "Florida 529 Savings Plan."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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.

The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

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: Kevin Thompson, (850)488-8514. 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 FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) No change.

(b) If the purchaser named on the application for the advance payment contract has a Florida 529 Savings College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the advance payment contract and the Florida 529 Savings College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a 4-Year Florida University Plan, 2 + 2 Florida Plan or Tuition Plan who subsequently adds a Dormitory Plan to the previously purchased 4-Year Florida University Plan, 2 + 2 Florida Plan or Tuition Plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan who subsequently adds the corresponding Local Fee Plan to the previously purchased Tuition Plan.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan who subsequently adds the corresponding Tuition Differential Fee Plan to the previously purchased Tuition Plan.

(2) through (7) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07, 10-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO: 19B-16.001
 RULE TITLE: Application of Rule Chapter; Definitions

PURPOSE AND EFFECT OF THE AREA TO BE ADDRESSED This rule is amended to reflect the updated name Florida College Investment Plan to the “Florida 529 Savings Plan.”

SUMMARY: The Florida College Investment Plan’s new name will be “Florida 529 Savings Plan.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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.

The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

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: Kevin Thompson, (850)488-8514. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.001 Application of Rule Chapter; Definitions.

(1) These rules apply to participants in the Florida 529 Savings Plan Program (the “Savings Florida College Investment Plan”), a qualified tuition program that allows persons to make contributions to a trust account established for the purpose of meeting some or all of the qualified higher education expenses of a designated beneficiary.

(2) For the purposes of the Florida 529 College Savings Plan Program and Rule Chapter 19B-16, F.A.C.:

(a) through (b) No change.

(c) “Application” means the Florida Prepaid College Plan and Florida 529 Savings College Investment Plan New Account Application and the Florida 529 Savings Plan College Investment Plan Add-On Application, adopted pursuant to Rule 19B-16.002, F.A.C.

(d) through (o) No change.

(p) “Program” means the Florida 529 Savings Plan Florida College Savings Program (the “Savings Florida College Investment Plan”).

(q) through (s) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT OF THE AREA TO BE ADDRESSED: An update of the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and an update of the new name for the Florida College Investment Plan to be the “Florida 529 Savings Plan.”

SUMMARY: This rule is amended to reflect the new name for the Florida College Investment Plan to the “Florida 529 Savings Plan” and to update the form number for the Florida Prepaid College Plan and of the Florida 529 Savings Plan New Account Application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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.

The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: Kevin Thompson, (850)488-8514. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

- 19B-16.002 Application for Participation in the Program.
 - (1) No change.
 - (2) The Florida Prepaid College Plan and Florida ~~529 Savings College Investment~~ Plan New Account Application, Form No. FPCB ~~2013-01~~ ~~2011-01~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).
 - (3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.017
 RULE TITLE: Landscape Architecture Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUMMARY: Within the first paragraph the Department proposes to add language to provide the contact information for individuals/organizations who want to obtain a Landscape Architecture application form. The following subsections provide information for a person/organization desiring licensure and the necessary application to submit. A subsection is provided for each type of licensure and application.

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: 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 481.309, 481.310, 481.311, 481.313, 481.317, 481.319 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 5 days before the workshop/meeting by contacting: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.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: 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:

61-35.017 Landscape Architecture Departmental Forms

The following Landscape Architecture forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0790, (850)487-1395:

(1) Any person desiring to apply for an examination or re-examination and licensure shall submit a completed Form DBPR LA 1, Application for Individual Licensure: Examination or Re-Examination, effective July 2012, adopted and incorporated by reference.

(2) Any person desiring to apply for licensure of a business, certificate of authorization, shall submit a completed Form DBPR LA 2, Application for Initial License by Exam Based on Current Licensure in Another State or Country, effective July 2012, adopted and incorporated by reference.

(3) Any person desiring to apply for licensure by endorsement shall submit a completed Form DBPR LA 3, Application for Licensure: Endorsement, effective July 2012, adopted and incorporated by reference.

(4) Any person desiring a certificate of temporary authorization or registration shall submit a completed Form DBPR LA 4, Application for Licensure: Certificate of Temporary Authorization or Registration, effective July 2012, adopted and incorporated by reference.

(5) Any person desiring to reinstate a null and void license shall submit a completed Form DBPR LA 5, Application for Individual Licensure: Reinstate Null and Void License Based on Illness or Undue Hardship, effective July 2012, adopted and incorporated by reference.

(6) Any person desiring to provide practical experience shall submit a completed Form DBPR LA 6, Practical Experience Verification Form, effective July 2012, adopted and incorporated by reference.

(7) Any person desiring make changes to an existing license shall submit a completed Form DBPR LA 7, Maintenance Form/Status Change, effective July 2012, adopted and incorporated by reference.

(8) Any person or organization desiring continuing education provider approval shall submit a completed Form DBPR LA BET 1, Provider Approval Application, effective July 2012, adopted and incorporated by reference.

(9) Any person or organization desiring continuing education course approval shall submit a completed Form DBPR LA BET 2, Course Approval Application, effective July 2012, adopted and incorporated by reference.

Rulemaking Authority 455.203, 455.213 FS. Law Implemented 455.271, 481.309, 481.310, 481.311, 481.313, 481.317, 481.319 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, 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: August 22, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.026
 RULE TITLE: Florida Real Estate Appraisal Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUMMARY: Within the first paragraph the Department proposes to add language to provide the contact information for individuals/organizations who want to obtain a Real Estate Appraisal application form. The following subsections provide information for a person/organization desiring licensure and the necessary application to submit. A subsection is provided for each type of licensure and application.

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: 455.2035, 455.213 FS.

LAW IMPLEMENTED: 455.213, 455.275, 475.615, 475.6221, 475.623, 475.6235, 475.630 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 5 days before the workshop/meeting by contacting: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.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: 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:

61-35.026 Florida Real Estate Appraisal Departmental Forms.

The following Florida Real Estate Appraisal forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0790, (850)487-1395:

(1) APPRAISAL MANAGEMENT COMPANIES—

(a) Persons applying to register an Appraisal Management Company shall use Form DBPR FREAB 1, Application for Registering an Appraisal Management Company, effective April 2012, adopted and incorporated by reference.

(b) Persons requesting to renew, close, change the address or name, or request a duplicate license shall submit to the Department a completed Form DBPR FREAB 2, Appraisal Management Company – Maintenance, effective April 2012, adopted and incorporated by reference.

(c) Persons applying to add or remove an officer, director, general partner, manager, managing member, owner, or individuals who, directly or indirectly, owns or controls 10 percent or more of an ownership interest in the appraisal management company shall use Form DBPR FREAB 3, Appraisal Management Company – Amendment, effective April 2012, adopted and incorporated by reference.

(2) APPRAISERS—

(a) Persons applying to become licensed as a Residential or General Appraiser shall use Form DBPR FREAB 10, Application for Initial Certification for Residential or General Appraiser, effective April 2012, is adopted and incorporated by reference.

(b) Persons applying to become registered as a Trainee Appraiser shall use Form DBPR FREAB 11, Application for Appraiser Trainee Registration, effective April 2012, is adopted and incorporated by reference.

(c) Persons applying to become licensed as a Residential or General Appraiser and are currently licensed to practice real estate appraisal in another state shall use Form DBPR FREAB 12, Application for Out-of-State Certified Appraiser by Mutual Recognition, effective April 2012, is adopted and incorporated by reference.

(d) Persons applying for a non-resident temporary practice permit shall use Form DBPR FREAB 13, Application for Non-resident Temporary Practice Permit, effective April 2012, is adopted and incorporated by reference.

(e) Persons requesting supervisory appraiser designation or termination shall use Form DBPR FREAB 14, Supervisor Designation/Termination Form, effective April 2012, is adopted and incorporated by reference.

(f) Persons requesting a duplicate or address/name change of their appraiser license shall use Form DBPR FREAB 15, Appraiser License Maintenance Form, effective April 2012, is adopted and incorporated by reference.

(g) Persons requesting a change of status of their appraiser license shall use Form DBPR FREAB 16, Appraiser Change of Status Form, effective April 2012, is adopted and incorporated by reference.

(h) Persons applying to register or remove an additional business location shall use Form DBPR FREAB 17, Business/Firm Registration or Change Form, effective April 2012, is adopted and incorporated by reference.

(i) Persons requesting to change a business location name or business location address shall use Form DBPR FREAB 18, Change Business/Firm Information Form, effective April 2012, is adopted and incorporated by reference.

(j) Persons applying to become licensed as a Appraiser Instructor shall use Form DBPR FREAB 19, effective April 2012, is adopted and incorporated by reference.

Rulemaking Authority 455.2035, 455.213 FS. Law Implemented 455.213, 455.275, 475.615, 475.6221, 475.623, 475.6235 475.630, FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Juana Watkins, Director, Division of Real Estate, 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: August 22, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.027
RULE TITLE: Real Estate Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUMMARY: Within the first paragraph the Department proposes to add language to provide the contact information for individuals/organizations who want to obtain a Real Estate application form. The following subsections provide information for a person/organization desiring licensure and the necessary application to submit. A subsection is provided for each type of licensure and application.

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: 20.165(8), 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 559.79 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:

61-35.027 Real Estate Forms.

The following forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0790, (850)487-1395:

(1) Persons applying for a Sales Associate license shall use Form DBPR RE 1, Application for Sales Associate License, effective April 2012, adopted and incorporated by reference.

(2) Persons applying for a Broker license shall use Form DBPR RE 2, Application for Broker License, effective April 2012, adopted and incorporated by reference.

(3) Persons applying for Real Estates Instructor permit shall use Form DBPR RE 3, Application for Real Estate Instructor Permit, effective April 2012, adopted and incorporated by reference.

(4) Persons applying for a school permit shall use Form DBPR RE 5, Application for School Permit, effective April 2012, adopted and incorporated by reference.

(5) Persons applying to change the status of their real estate school license shall use Form DBPR RE 6, Real Estate School Change of Status Transactions, effective April 2012, adopted and incorporated by reference.

(6) Persons applying for a real estate company license shall use Form DBPR RE 7, Application for Real Estate Company, effective April 2012, adopted and incorporated by reference.

(7) Persons applying to open, close or request a duplicate license of a branch office shall use Form DBPR RE 8, Application for Branch Office, effective April 2012, adopted and incorporated by reference.

(8) Persons applying to open, close or request a duplicate license of an additional school location shall use Form DBPR RE 9, Application for Additional School Location, effective April 2012, adopted and incorporated by reference.

(9) Persons requesting a demographic change or duplicate license/permit for real estate individuals shall use Form DBPR RE 10, Demographic Changes and Duplicate License for Real Estate Individuals, effective April 2012, adopted and incorporated by reference.

(10) Persons applying for change of status for Sales and Broker Sales Associates shall use Form DBPR RE 11, Change of Status for Sales Associates and Broker Sales Associates, effective April 2012, adopted and incorporated by reference.

(11) Persons requesting real estate company/sole proprietor transactions shall use Form DBPR RE 12, Real Estate Company/Sole Proprietor Transactions, effective April 2012, adopted and incorporated by reference.

(12) Persons requesting broker transactions shall use Form DBPR RE 13, Broker (BK) Transactions, effective April 2012, adopted and incorporated by reference.

(13) Persons requesting multiple permits for an instructor shall use Form DBPR RE 14, Multiple Permit Request for Instructor, effective April 2012, adopted and incorporated by reference.

(14) Persons applying to downgrade a Broker license to a Sales Associate license shall use Form DBPR RE 15, Revert Broker License to Sales Associate License, effective April 2012, is adopted and incorporated by reference.

(15) Persons requesting Sales or Broker Sales transactions shall use Form DBPR RE 16, Miscellaneous Transactions, effective April 2012, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 559.79 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juana Watkins, Director, Division of Real Estate, 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: August 22, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.003 RULE TITLE: Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide proper instructions for documentation of each continuing education course.

SUMMARY: Proper instructions for documentation of each continuing education course will be provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and

that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312 (1)(a), (c) 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: 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:

61H1-33.003 Continuing Professional Education.

(1) through (5) No change.

(6) Each Florida certified public accountant shall, as a part of the biennial licensure renewal, on or before December 31 prior to his/her biennial license renewal, report on forms prescribed by the Board, compliance with continuing professional education requirements completed during the applicable reestablishment period. Each Florida certified public accountant's documentation supporting such compliance shall be retained through the two years following a two-year reestablishment period. Documentation is to be retained to support evidence of completion of the required hours to enable a random audit by the Department of Business and Professional Regulation to determine compliance with the requirements. Documentation of each course shall be in a format to include course title and date, number of hours earned, attendee name, certified public accountant course provider name, number, and signature by the provider furnishing said certificate. If staff review or review by the Committee on Continuing Professional Education determines that courses are either improperly classified or do not otherwise meet the requirements of the chapter, then the Florida certified public accountant will be given 60 days from the date of notification to comply with the continuing professional education requirements. Florida certified public accountants who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50 fine within 60 days.

(7) No change.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05, 7-23-06, 12-10-09, 7-7-10,_____.

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: June 7, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0033
RULE TITLE: Obligations of CPA Ethics Course Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language regarding the certificate of attendance.

SUMMARY: The certificate of attendance will be updated.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312 (1)(a), (c) 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: 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:

61H1-33.0033 Obligations of CPA Ethics Course Continuing Education Providers.

To maintain an approved status as an ethics course continuing education provider, the provider must:

- (1) through (2) No change.
- (3) Furnish each ~~attendee participant~~ with an individual certificate of attendance in a format to include course title and date, number of hours earned ~~location~~, attendee name, and certified public accountant ethics course provider name, number, and signature by the provider furnishing said certificate. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board. Providers shall maintain security of attendance records and attendance records.
- (4) through (10) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History—New 5-18-05, Amended 10-26-09,_____.

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: June 7, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-5.002
RULE TITLE: Continuing Education Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the name of the organization identified in the rule.

SUMMARY: The proposed rule amendment incorporates the revised name of the approved continuing education provider.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013(6)-(9), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 456.013(6)-(9), 484.047(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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.002 Continuing Education Programs.

(1) Programs approved by the International Hearing Society ~~International Institute of Hearing Instrument Studies~~ shall automatically be approved for continuing education credit, provided they are in-person contact hours.

(2) through (7) No change.

Rulemaking Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History—New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, 11-18-02, 9-13-07, 3-4-08, 5-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

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 update the licensure form.

SUMMARY: The rule is being amended to update the licensure form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 468.802, 468.803 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(5)(a) or (b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, ~~7/12~~ ~~4/12~~, herein incorporated by reference, which is available at: <https://www.flrules.org/gateway/reference.asp?No=Ref-> the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(a) through (e) No change.

(2) through (4) No change.

Rulemaking Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History—New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06, 4-19-09, 4-12-10, Amended 6-19-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

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

PURPOSE AND EFFECT: The Board proposes this rule amendment to modify language to clarify procedures for documentation of eligibility for registration and to update the registration form.

SUMMARY: This rule amendment is being proposed to modify language to clarify procedures for documentation of eligibility for registration and to update and incorporate by reference the registration form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 468.802, 468.803 FS.
LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.005 Documentation of Eligibility for Registration.

In order to establish eligibility for registration as an orthotic, or prosthetic, resident or intern under Section 468.803(3)(a) or (b), F.S., the applicant must submit a completed Internship/Residency Registration, form number DH-MQA 1126, 07/2012 ~~01/2012~~, hereby adopted and incorporated by reference, which is available from http://www.flrules.org/gateway/reference.asp?No=Ref-_____ or the Board office or at the Board’s website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(1)(a) An official transcript from the regionally accredited institution at which the applicant’s Baccalaureate or post-graduate Bachelor of Science degree was awarded, indicating the degree awarded.

(b) through (5) No change.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 12-9-10, Amended 5-15-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-13.001	Continuing Education for Biennial Renewal
64B15-13.003	Proof of Completion of Continuing Medical Education Hours

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth the five most misdiagnosed conditions for the purpose of the course in prevention of medical errors and to clarify the requirements of licensure renewal as it relates to continuing medical education.

SUMMARY: The proposed rule amendments set forth the five most misdiagnosed conditions for the purpose of the course in prevention of medical errors and clarify the requirements of licensure renewal as it relates to continuing medical education.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013(9), 459.005, 459.008(2), (4) FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.013(8), (9), 459.008 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1) through (2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks as defined in Section 741.30, F.S.

(b) through (e) No change.

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors,

diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions:

1. Inappropriate prescribing of opioids in patients in whom there have been misdiagnosis or failure to diagnose addiction, psychiatric conditions and diversion;

2. Failure or delay in diagnosing cancer;

3. Wrong-site/patient surgery; ~~acute abdomen, heart conditions, and~~

4. Surgical complications/errors; and

5. Failure to accurately diagnose cardiac and abdominal conditions.

(4) through (6) No change.

Rulemaking Authority 456.013(9), 459.005, 459.008(4) FS. Law Implemented 456.013, 456.031, 459.013(8), (9), 459.008 FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06, 1-29-07, 5-10-09, 4-5-10, _____.

64B15-13.003 Proof of Completion of Continuing Medical Education Hours.

(1) At the time of licensure renewal, each physician shall be required to submit to the Department the renewal application as required by Rule 64B-9.001, F.A.C., to pay the applicable fee, and to comply with the an affirmation that the physician has earned the required 40 hours of continuing medical education (C.M.E.) requirements of Rule pursuant to paragraph 64B15-13.001(1)(a), F.A.C. Each physician shall be responsible for maintaining proof of C.M.E. hours for the biennium in which the hours were earned for renewal and for a period of at least four (4) years after the close of the renewal period for which the physician is submitting the hours.

(2) No change.

Rulemaking Authority 459.005, 459.008(2) FS. Law Implemented 459.008(4) FS. History—New 1-29-86, Amended 4-8-91, Formerly 21R-13.003, Amended 1-10-94, Formerly 61F9-13.003, 59W-13.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.716
 RULE TITLE: Income and Resource Criteria

PURPOSE AND EFFECT: The proposed rule increases the average monthly private pay nursing facility rate used in the Medicaid eligibility determination process.

SUMMARY: The proposed rule increases the average monthly private pay nursing facility rate.

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 Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), 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: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: October 10, 2012, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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 7 days before the workshop/meeting by contacting: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

- 65A-1.716 Income and Resource Criteria.
 - (1) through (4) No change.
 - (5) SSI-Related Program Standards.
 - (a) through (c) No change.
 - (d) Average monthly private pay nursing facility rate: ~~\$7,362~~ ~~\$6,880~~.
 - (e) No change.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 12-9-99, 2-15-01, 11-25-01, 7-28-02, 4-1-03, 9-10-03, 8-30-04, 8-10-06, 4-15-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeri Flora

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2012

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-148.001
 RULE TITLE: Funding of Preneed Contracts With Life Insurance or Annuities

PURPOSE AND EFFECT: This rule is unnecessary due to changes to the authorizing statute. The current statute clearly addresses issues that are contained in the rule. Therefore it is appropriate to repeal this rule.

SUMMARY: Rule 69O-148.001, F.A.C., addresses the sale of life and annuity products by agents to fund preneed funeral contracts. The rule currently limits the amount of insurance that may be written at \$7,500, which conflicts with Section 626.785, Florida Statutes that permits coverage up to \$12,500, and therefore the rule should be repealed. The remainder of the rule has essentially the same substantive content as the statute and is unnecessary.

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: Agency personnel familiar with the subject matter of

the rule repeal have performed an economic analysis of the rule repeal that shows that the rule repeal is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.785, 626.9541(1)(a), (t), 627.410 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: October 17, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-148.001 Funding of Preneed Contracts With Life Insurance or Annuities.

Rulemaking Authority 624.308(1) FS. Law Implemented 624.307(1), 626.785, 626.9541(1)(a),(t), 627.410 FS. History—New 4-8-97, Formerly 4-148.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099825
 RULE TITLE: Voluntary Prekindergarten (VPK) Curriculum Approval Process
 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. 36, September 7, 2012 issue of the Florida Administrative Weekly.

Rule 6A-1.099825 is amended to read:

6A-1.099825 Voluntary Prekindergarten (VPK) Curriculum Approval Process.

The specifications, policies and procedures for the VPK curriculum approval process are contained in the documents, Florida Voluntary Prekindergarten (VPK) Education Program: Curriculum Approval Specifications 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01632>) and Florida Voluntary Prekindergarten (VPK) Education Program: Policies and Procedures for Curriculum Approval 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01633>) which are hereby incorporated by reference in this rule. Copies of the publications may be obtained by contacting the Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida or from the Department's website at <http://www.fldoe.org/earlylearning/>. In addition, to the Curriculum Approval Specifications and the Policies and Procedures for Curriculum Approval 2012, the following forms are incorporated by reference to become effective November 2012: VPK-Curr1, Committee Member Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01643>); VPK-Curr2, Publisher's Intent to Submit Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01644>); VPK-Curr3, Publisher Registration Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01645>); VPK-Curr4, Publisher Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01646>); and VPK-Curr5, Curriculum Evaluation Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01647>).

Rulemaking Authority 1002.67(2)(c), (3) FS. Law Implemented 1002.67(2)(c), (3) FS. History—New _____.