accordance with the Uniform Rules of Procedure. The penalty shall become due under the terms of the Notice of Penalty or a Final Order issued pursuant to the Uniform Rules of Procedure, whichever applies.

1. A failure to comply that is determined to have a direct effect on client health, welfare or safety shall result in the imposition of an incremental penalty of ten percent (10%) of the total contract payments otherwise due to the provider during the period of noncompliance.

2. A failure to comply involving the provision of service not having a direct effect on client health, welfare or safety shall result in the imposition of an incremental penalty of five percent (5%) of the total contract payments otherwise due to the provider during the period of noncompliance.

3. A failure to comply involving performance of administrative tasks shall result in the imposition of an incremental penalty of two percent (2%) of the total contract payments otherwise due to the provider during the period of noncompliance.

(c) The imposition of a penalty pursuant to this Rule is in addition to other relief that may be available to the Department to address a provider’s failure to provide satisfactory performance and shall not, in any way, prevent the Department from seeking or applying other remedies available to it through law or equity.

(2) All contracts entered into by the Department on and after the effective date of this rule and all amendments to Department contracts executed on and after the effective date of this rule shall contain the following provision:

Financial Penalties for Failure to Comply With a Requirement for Corrective Action.

Section 402.73(1), Florida Statutes, requires Department contracts to include provisions for incremental penalties to be imposed by its contract managers on a service provider due to the provider’s failure to comply with a requirement for corrective action. The Department has adopted Rule 65-29.002, F.A.C., entitled “Financial Penalties for a Provider’s Failure to Comply With a Requirement for Corrective Action,” which rule is incorporated herein by reference and made a part hereof as if fully recited herein.

Additional terms governing the imposition and collection of the penalty are set forth in Section 402.73, Florida Statutes. The remedies identified in Section 402.73, Florida Statutes, do not limit or restrict the Department’s application of any other remedy available to it in this contract or under law.

(3) The Department will deduct the financial penalty from funds that would otherwise be due to the provider, not to exceed 10 percent of the amount that otherwise would be due to the provider for the period of noncompliance. For purposes of this Rule, the funds that would otherwise be due to the provider shall be those payments that would be due to the provider for full performance of all services in compliance with all contract terms. Termination or expiration of the contract shall not end the provider’s obligation to pay the penalty nor the Department’s authority to obtain payment.

Rulemaking Authority 402.73(1) FS. Law Implemented 402.73(1) FS. History–New.

Section II

Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-43.001 Regulation of Overhanging Encroachments

PURPOSE AND EFFECT: Rule 14-43.001, F.A.C., is being amended to define the term “official markers,” establish requirements for official markers and overhanging encroachments, and incorporate a new application form and updated horizontal clear zone requirements.

SUMMARY: Official markers and overhanging encroachments are addressed.

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. An SERC has not been prepared 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: 334.044(2), 337.407 FS. LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16 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: Friday, July 15, 2011, 10:30 a.m.
PLACE: Department of Transportation, Haydon Burns Building, Room 479, 605 Suwannee Street, Tallahassee, Florida 32399-0458

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: 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.

RULEMAKING AUTHORITY: 334.044(2), 337.407 FS. LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16 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: Friday, July 15, 2011, 10:30 a.m.
PLACE: Department of Transportation, Haydon Burns Building, Room 479, 605 Suwannee Street, Tallahassee, Florida 32399-0458

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: 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. 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: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) “Applicant” means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

(b) “Banner” means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:
1. “Pole Banner,” which is located adjacent to the travel lanes of the roadway and is attached to a single existing permanent support.
2. “Street Banner,” which extends over the travel lanes of the roadway and is attached to two or more existing permanent supports.

(c) “Canopy” means a permanent or semi-permanent, on-premise roof-like projection partially extending over the right of way.

(d) “Department” means the State of Florida Department of Transportation.

(e) “Local Governmental Entity” means as provided in Section 334.03(14) F.S.

(f) “Official Marker” means a Pole Banner identifying specific areas, such as historic, banking, or entertainment districts.

(g) “Overhanging Encroachment” means a sign, canopy, or banner, or official marker, as these terms are herein defined, which is placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(h) “Sign” means as provided in Section 479.01(17), F.S.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System. Overhanging encroachments are subject to the following conditions on non limited access facilities:

(a) No new supports may be located within state right of way.

(b) Must be allowed by the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(c) Must be adjusted or removed at the owner’s expense if the overhanging encroachment interferes with Department construction.

(d) Shall May not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists’ ability to safely operate vehicles.

(e) Must comply with the setback or clearance requirements set forth in paragraphs (3)(a) and (3)(b) below. Overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it will be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department will remove it and notify the owner of the removal.

(f) May not be erected or maintained in a manner which interferes with the Department’s maintenance, operation, or other use of a transportation facility.

(g) Upon removal by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the overhanging encroachment.

(h) Shall not contain changeable message technology.

(i) Shall be maintained in like new condition. Failure to properly maintain the encroachment shall cause the permit to be revoked after a ten (10) day notice from the Department.

(j) If the overhanging encroachment presents a safety hazard, the Department will remove it and notify the owner of the removal.

(3)(h) Signs and canopies which meet the criteria of Section 479.16(1), F.S. Florida Statutes, may only be placed along and over any roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:

(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet; the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb; and the entire structure must comply with the Department’s horizontal clearance requirements set forth in the Roadside Offsets standard, Index 700, of the 2010 Department Design Standards, incorporated herein by reference, and available at: www.dot.state.fl.us/officeofdesign clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department’s Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.
Within municipalities where there is not curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department’s horizontal clearance requirements set forth in the Roadside Offsets standard of the Department’s Design Standards.

Clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways with Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department’s Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

The design of canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity within whose jurisdictional boundaries the banners are placed.

No canopy or sign shall be erected away from the side of the business which it promotes.

Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), F.S.

Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

There must be written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

Banners may be displayed for a period not to exceed 30 consecutive calendar days and may not be within 180 days of the last day of its most recent display period, except as otherwise provided herein.

Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when specifications are the same.

Banners shall not be placed within 500 feet of a limited access interchange.

Banners are not permitted where a Department construction project is planned or ongoing during the requested display period.

Street banners may be displayed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

Street banners must be:

1. Placed a minimum of 1,000 feet apart on the right of way of non limited access roadways; and
2. At its lowest point vertically clear the pavement by at least 18 feet.

Pole banners must be:

1. Placed a minimum of 1,000 feet apart on the same side of the travel lane on non limited access facilities outside the corporate limits of a municipality;
2. At its lowest point at least 14 1/2 feet above the pavement elevation;
3. Attached to a light standard or other such device which is permanently located in the right of way.
4. Pole banners may not be attached to any utility pole.
5. Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

Official markers shall not be used to advertise an individual off-site business or shopping center.

Official markers shall comply with all pole banner requirements except for sub-subparagraph (2)(i)8.a.

Additionally, the following shall apply:

Official markers must be identical and may only be displayed within the identified area, with no more than one official marker per city block.

All official markers shall display the same legend or lettering identifying the area, however, individual sponsorship may be displayed beneath the legend provided the name or business logo of the sponsor is no greater than 25% of the total display.

The sponsorship portion of the official marker may only contain the name and/or logo of the sponsor. No additional information may be displayed, including:

1. Telephone number
2. Address
3. Distance to a business
4. Direction to a business
5. Official markers must be made of flexible material.
6. Permits are issued for up to 12 months, and may be renewed at the end of the permit term.
7. The applicant shall be responsible for all costs, including installation and removal, of the official markers.
8. Applications for a sign or canopy must be made in writing to the appropriate District Maintenance Office and shall include:
(a) The name and address of the applicant.
(b) A drawing of the sign or canopy, drawn to scale, including any message, logo, or emblem.
(c) A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.
(d) Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).
(e) Proof of compliance with resolutions of the local governmental entity within whose jurisdictional boundaries the banners are to be placed.

7. Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application for banners shall be on Application to Place Banners on Non Limited Access State Right of Way, DOT Form 575-070-18, Rev. 08/08, incorporated herein by reference. Copies of DOT Form 575-070-18 are available from the State Maintenance Engineer or any District Maintenance Engineer.

8. The application for official markers shall be on Application to Place Official Markers on Non-Limited Access State Right of Way, FDOT Form 575-070-21, Rev. 10/10, incorporated herein by reference. Copies of DOT Form 575-070-21 are available from the State Maintenance Engineer or any District Maintenance Engineer.

DEPARTMENT OF CORRECTIONS

NAME OF PERSON ORIGINATING PROPOSED RULE: John Garner, Director, Office of Right of Way
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied. The effective date of this rule is October 1, 2011.

<table>
<thead>
<tr>
<th>Maximum Disciplinary Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTIONS 1. through 2. No change.</td>
</tr>
<tr>
<td>SECTION 3. CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED</td>
</tr>
</tbody>
</table>

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to create disciplinary charges associated with the use, possession, introduction, and trafficking of tobacco and tobacco products.

SUMMARY: The proposed rule creates disciplinary charges associated with the use, possession, introduction, and trafficking of tobacco and tobacco products.

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. An SERC has not been prepared 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: 944.09 FS.
LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied. The effective date of this rule is October 1, 2011.

Maximum Disciplinary Actions

| SECTIONS 1. through 2. No change. |
| SECTION 3. CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED |

1704  Section II - Proposed Rules
Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10; ________.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

DEPARTMENT OF CORRECTIONS
RULE NO.: 33-601.721
RULE TITLE: Visiting Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to smoking.

SUMMARY: The proposed rule is amended to remove reference to smoking.

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. An SERC has not been prepared 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: 944.09 FS.
LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.721 Visiting Operations.
(1) through (6) No change.
(7) Smoking shall be permitted only in an outdoor smoking area designated by the warden.
(8) through (10) No change.
(11) The effective date of this rule is October 1, 2011.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-16-03, 7-17-07, 10-1-11.

Editorial Note: Formerly 33-601.708, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing
RULE NO.: RULE TITLE:
59A-7.034 Alternate-Site Testing
PURPOSE AND EFFECT: The agency is proposing to amend the rule that specifies the elements required to operate an alternate-site within a hospital to broaden the laboratory director’s discretion for site development and remove any requirement for Agency prior approval of alternate testing sites within hospitals licensed under Chapter 395, F.S.
SUMMARY: Revisions broaden parameters for alternate-site development giving laboratory directors more discretion in testing to be performed within certain parameters and allow site implementation without Agency pre-review and approval.
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. An SERC has not been prepared 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: 483.051, 408.819 FS.
LAW IMPLEMENTED: 408.806, 408.813, 408.814, 408.816, 483.051, 483.181, 483.201, 483.221, 483.23 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: July 21, 2011, 2:00 p.m.
PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

(1) through (2)(b) No change.
(c) Alternate-site locations must be listed on any hospital clinical laboratory licensure application submitted to the Agency.
(3) No change.
(4) Hospital Internal Needs Assessment:
(a) The laboratory director in consultation with the appropriate medical staff shall prepare an internal needs assessment for alternate-site testing. Each testing site assessment shall include an evaluation of patient benefits and criteria for such testing, location of alternate-site, population to be served, and an evaluation of proposed instruments or testing methodologies to determine if the requirements listed in subsections (7) through (9) are met.
(b) through (e) No change.
(5) Approval of Alternate-Site Testing:
(a) A request for approval of any new instrument or testing methodology not currently listed by the Agency’s Internet site Clinical Laboratory Hospital Alternate Site Testing: November 2010: http://aha.myflorida.com/mchq/health_facility_regulation/clinical_laboratory_alternate_site_testing.html and incorporated herein by reference, as approved for alternate-site testing, must be submitted to the agency for review and approval prior to implementation. If the instrument is listed as an unapproved test, it cannot be performed at an alternate-site. If a test
is listed as approved under specific circumstances, those circumstances must be met in order for the test to be performed.

(b) A request for approval of any new instrument or testing methodology must include the location of the alternate-site; category of personnel who will perform the tests; name of the instrument or method to be used; instrument manufacturer and model number if applicable; and any other information necessary for the Agency to determine whether tests to be performed meet the criteria established in subsection (10).

(c) Requests must be sent to: Agency for Health Care Administration, Clinical Laboratory Unit, M.S. 32, 2727 Mahan Drive, Tallahassee, Florida 32308. The Agency will respond with either a request for additional information or approval within 30 days of receipt of the request.

(d) Instruments or testing methodologies previously approved and listed on the Agency’s alternate-site testing website Clinical Laboratory Hospital Alternate-Site Testing, November 2010: http://ahca.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml do not require prior approval.

(e) A listing of all alternate-site testing locations and laboratory tests performed at each site must be included with each laboratory license renewal application.

Section II - Proposed Rules

Written Protocols and Quality Assurance Programs:

(a) through (c) No change.

Recall that Chapter 464, F.S., as clinical laboratory personnel.

(a) Testing personnel shall have a high school diploma, or its equivalent, and have met the HIV/AIDS educational requirements pursuant to Section 381.0035, F.S. In addition, all testing personnel in the alternate-test site locations shall meet one of the following requirements:

1. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,
2. Is a phlebotomist certified by the American Society of Clinical Pathologists (ASCP), National Certification Agency for Medical Laboratory Personnel (NCA), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT).
3. Is licensed as a physician assistant pursuant to Chapter 458 and 459, F.S.,
4. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,
5. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,
6. Is licensed as a registered nurse or licensed practical nurse pursuant to Chapter 468, Part IV, F.S.,
7. Is a cardiovascular technologist certified by the Cardiovascular Credentialing International (CCI),
8. Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part III, F.S., or exempt from such licensure as provided in that chapter.
9. Is licensed as a perfusionist certified by the American Board of Cardiovascular Perfusion, determined eligible for certification by the American Board of Cardiovascular Perfusion, or has two years of clinical experience in cardiovascular perfusion with 100 clinical perfusions conducted as of January 1, 1981.
10. Is a cardiovascular technologist certified by the Cardiovascular Credentialing International (CCI),

(b) The laboratory director will determine if the above listed personnel are suitable to perform testing at the alternate-site. The laboratory director shall:

1. Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034(7)(a), F.A.C., and
2. Establish methods for the evaluation of competency to verify that alternate-site testing personnel perform procedures and report tests results promptly and accurately. Evaluation of competency shall include:

a. Demonstration of knowledge of infection control procedures;

b. Skills required to perform the test method;

c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the testing methodologies;

d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;

e. Skills required to implement quality control policies and procedures and evaluate quality control results;

f. An awareness of factors that influence test results;

g. Skills required to assess and verify the validity of patient test results through the assessment of quality control testing outcomes;

h. Demonstration of knowledge of patient preparation for each test performed;

i. Demonstration of knowledge of infection control procedures; and
i. Demonstration of knowledge of reporting procedures for life threatening results.

(c) The laboratory director shall, in consultation with medical staff designated by the hospital, establish the training needs for the test methods used at each site. This training at a minimum must ensure that alternate site testing personnel have had instruction in the following areas:

1. Specimen collection, handling and storage including infection control procedures.
2. Instrument procedures including skills required to perform preventive maintenance, calibration and troubleshooting.
3. Skills required to implement quality control procedures and evaluate quality control results.
4. Skills required to perform specific test procedures.
5. Result reporting and documentation techniques including knowledge of reporting procedures for life threatening results.
6. Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment of quality control testing outcomes.
7. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported.

(c)(d) Successful completion of a training program approved by the Board of Clinical Laboratory Personnel provided under Section 483.811, F.S., shall meet the minimum training requirements specified in paragraph (c), above.

(c)(9) Responsibilities of the Laboratory Director Pertaining to the Alternate-Test Site:

1. The laboratory director shall:
   a. Establish methods for the evaluation of competency to verify that alternate site testing personnel perform procedures and report test results promptly and accurately. Evaluation of competency shall include:
      a. Sample handling skills;
      b. Skills required to perform the test method;
      c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the testing methodologies;
      d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;
      e. Skills required to implement quality control policies and procedures and evaluate quality control results;
      f. An awareness of the factors that influence test results;
   b. Demonstration of knowledge of patient preparation for each test performed;
   c. Demonstration of knowledge of infection control procedures; and
   d. Demonstration of knowledge of reporting procedures for life threatening results.

(b)(e) Evaluation of competency for alternate-site testing personnel must be performed prior to initiation of patient testing and at least annually thereafter.

(c)(d) Documentation of licensure or certification, as applicable, pursuant to subsection 59A-7.034(8), F.A.C., and competency evaluations must be maintained during the tenure of all testing personnel and for a minimum of two years thereafter and made available to the agency at the time of inspection.

(c)(10) Tests Performed: Only test procedures approved by the clinical laboratory director Agency and documented in the internal needs assessment in accordance with Rule 59A-7.034, F.A.C., shall be performed at the alternate-test site.

(a) Tests performed at these sites shall not exceed moderately complex test procedures and must:

1. Employ whole blood specimens that require no manual specimen or reagent manipulation, treatment, extraction, centrifugation, separation or any other processing of any kind by the operator, as determined by the clinical laboratory director; and
2. No change.

(b) Alternate-test sites are also permitted to perform moderately complex testing on bodily fluids such as amniotic fluid, which require minimal preparation as determined by the laboratory director waived tests, activated clotting times, gastric occult blood, gastric pH and urine specific gravity by refractometer. Heparin concentration, heparin assay, heparin dose response and thrombelastograph tests are permitted to be performed only by perfusionists certified by the American Board of Cardiovascular Perfusion or laboratory personnel licensed as director, supervisor, or technologist under Chapter 483, Part III, F.S.

(c) through (d) No change.

(10)(H) The Agency shall take administrative action pursuant to Sections 483.201, 483.221, 408.806, 408.813, 408.814, 408.816 and 483.23, F.S., up to and including revocation of the approval for operation of any or all...
This page contains a proposed rule making by the Florida Agency for Health Care Administration. The rule proposes to repeal Rule 59A-8.0086, which deals with denial, suspension, revocation of license, and imposition of fines, and Rule 59A-8.0185, which deals with personnel policies. The proposed rules are intended to align with changes in Florida state law and regulations. The proposed repeal of these rules is discussed in detail on the page, along with the rationale for the changes and the legal basis for the repeal. The page also includes contact information for the proposed rules. The text is structured to provide a clear and comprehensive overview of the proposed regulations and the rationale behind them.
the services and must have provided an examination or medical consultation to the recipient within 30 days preceding the request for services. The ordering physician’s National Provider Identifier, Medicaid Provider Number, or medical license number must be written on the order for services and the prior authorization request. In addition, the update includes numerous policy clarifications and the addition of mandatory forms to assist providers and recipients in their efforts to submit the required documentation.

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. An SERC has not been prepared 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: 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:

DATE AND TIME: Monday, July 18, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. 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: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, e-mail: claire.davis@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) No change.


(3) through (4) No change.


History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08,

NAME OF PERSON ORIGINATING PROPOSED RULE: Claire Anthony-Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: RULE TITLE:

60BB-1.011 Special Review of Final State Agency Decisions

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

SUMMARY: The rule identified above was implemented for the purpose of administering a program which no longer exists and is, therefore, no longer necessary. There are no other rules which incorporate the rule identified above.

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. An SERC has not been prepared 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: 20.50, 120.54(6), 445.004 FS.

LAW IMPLEMENTED: 120.54(6), 445.023, 445.025, 445.028, 445.029, 445.030, 445.031, 445.032 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m. 
PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. 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: James E. Landsberg

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-1.011 Special Review of Final State Agency Decisions.

(1) This section applies only to the review of a complaint or grievance related to WtW activities and that involves: gender discrimination, as prescribed in 20 CFR 645.255(b); health and safety standards established under State and Federal law which are applicable to similarly employed employees of the same employer, who are not participants in WtW programs, as prescribed at 20 CFR 645.260; and displacement of WtW participants or regular employees, as prescribed at 20 CFR 645.265.

(2) Rather than an immediate judicial review of a final agency order, a grievant or complainant may request a hearing before the Division of Administrative Hearings.

(3) A request for hearing under this provision shall be filed within twenty-one (21) calendar days of receipt of final agency action and shall be filed with the Agency Clerk, Agency for Workforce Innovation, Office of General Counsel, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128.

Rulemaking: Specific Authority 20.50, 120.54(6), 445.004 FS. Law Implemented 120.54(6), 445.023, 445.025, 445.028, 445.029, 445.030, 445.031, 445.032 FS. History–New 4-3-02, Repealed________.

NAME OF PERSON ORIGINATING PROPOSED RULE: James E. Landsberg

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES
Agency for Workforce Innovation

RULE NO.: RULE TITLE: 60BB-8.451 VPK Class Schedules

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

SUMMARY: The requirements of this rule are restated in Rule 60BB-8.204, Florida Administrative Code. Subsection 60BB-8.100(11), Florida Administrative Code, incorporates this rule by reference. The repeal of this rule will result in a need to change the reference to this rule to a reference to Rule 60BB-8.204, Florida Administrative Code.

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. An SERC has not been prepared 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: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m. 
PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. 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: Kristin R. Harden, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150, Kristin.Harden@flaawi.com

THE FULL TEXT OF THE PROPOSED RULE IS:
60BB-8.451 VPK Class Schedules.

An early learning coalition may not pay a VPK provider for a VPK class unless the class schedule complies with the following:

(1) School-Year Program.
   (a) Except as provided in paragraph (b), a school-year program may not begin instruction more than 14 days before Labor Day.
   (b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school-year program in the county may not begin instruction before the uniform date.
   (c) A school-year program must complete instruction by June 30.

(2) Summer Program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

Rulemaking Specific Authority 1002.79(2) F.S. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS. History–New 5-24-07, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Kristin R. Harden

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.: RULE TITLES:
60BB-10.001 Purpose, Intent and General Principles
60BB-10.002 Definitions
60BB-10.003 Participant Eligibility Requirements
60BB-10.004 How to Participate
60BB-10.005 Support Services
60BB-10.006 Employer Participation
60BB-10.007 Position Requirements
60BB-10.008 Cost Sharing or Matching
60BB-10.009 Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency

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

SUMMARY: The rules identified above were implemented for the purpose of administering a program which no longer exists and are, therefore, no longer necessary. There are no other rules which incorporate the rules identified above.

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. An SERC has not been prepared 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: 445.004(5)(c) FS.

LAW IMPLEMENTED: 445.004, 445.024(1)(b), 445.024(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 18, 2011, 3:00 p.m.
PLACE: Caldwell Building, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten at (850)245-7160. 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 RULES IS: James E. Landsberg, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150, James.Landsberg@flaawi.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-10.001 Purpose, Intent, and General Principles.

Temporary Assistance for Needy Families (TANF) work activities are designed to assist the participant in obtaining employment to achieve economic self-sufficiency. TANF participants who apply for or currently receive cash assistance, as well as other persons who meet TANF eligibility requirements and all other requirements of this rule may be eligible for subsidized employment. Participation will be contingent upon funding, the availability of jobs, and on the employer’s ultimate selection.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Repealed
60BB-10.002 Definitions.

The following words, phrases, or terms, as used in this rule, shall have the following meanings:

(1) “Parent/Relative Caregiver” means the mother, legal father, natural or biological father, maternal relatives, relatives of the legal father, and relatives of the natural or biological father. The dependent child must be related within the fifth degree (no greater than the first cousin once removed) to the caretaker relative.

(2) “Participating Employer” means a public agency, nonprofit private agency, or private employer that agrees to participate in a subsidized employment project.

(3) “Eligible Individual” means a person who has been determined eligible to participate in a TANF-funded subsidized employment project.

(4) “Qualified Participant” means a TANF eligible individual who meets the requirements for participation in a TANF funded subsidized employment project and has the job skills required by the employer participating in the project. Referral of a Qualified Participant to an employer does not guarantee selection for subsidized employment.

(5) “Subsidized Employment” means employment for which the employer receives a TANF subsidy to offset some or all the wages and costs of employing a TANF-eligible participant. Public agencies, nonprofit private agencies, and private employers are eligible to participate.

(6) “Diversion” means immediate assistance to secure or retain employment as an alternative to welfare (cash assistance), and includes linking a person to a job opportunity as a first option.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed________.

60BB-10.003 Participant Eligibility Requirements.

To be eligible for consideration for participation in the TANF subsidized employment project, the individual must:

(1) Be a TANF participant currently receiving temporary cash assistance who is available for immediate employment.

(2) Be an applicant for temporary cash assistance who has been determined eligible for TANF funded cash assistance.

(3) Be an individual who meets the following requirements:

(a) Have a gross family income at or below 200% of the Federal Poverty Guidelines, as established annually by the United States Department of Health and Human Services, for the 30 days preceding application to participate in the program.

(b) Be a United States citizen or qualified non-citizen defined in Section 414.095(3), F.S.;

(c) Be a legal resident of the State of Florida;

(d) Be a pregnant woman, or a parent or caretaker relative of an unmarried dependent child under age 18, or a full-time student in a secondary school or equivalent level of career training who is under the age of 19 and who resides in the home; and

(e) Provide a social security number or proof of application for a social security number, or

(4) Be a minor child in the family of an individual determined eligible under one of the criteria specified above who is under age 18, or under age 19 if a full-time student in a secondary school or equivalent level of career training, is of legal age to engage in work (at least 14 years of age), is not married or divorced, and resides in the home.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed________.

60BB-10.004 How to Participate.

(1) Current TANF Participants. A regional workforce board may review its current TANF caseload to identify individuals who are currently receiving cash assistance who meet the job skill requirements of a job created by a subsidized employment project. Temporary cash assistance recipients participating in the Welfare Transition Program may also request to be considered for the subsidized employment program. The regional workforce board shall refer eligible, qualified participants who volunteer to participate to the participating employer for consideration for the subsidized employment position. A TANF participant or other eligible person who is currently receiving cash assistance who enters subsidized employment must sign Form AWI SEP 0011, TANF Subsidized Employment Program Agreement (effective 12/09), incorporated herein by reference and available at: http://www.floridajobs.org/workforce/backtowork/forms.html.

(2) An applicant for TANF temporary cash assistance. Individuals who have made application for temporary cash assistance and have been determined eligible for such assistance will be considered for participation in a subsidized employment project as a TANF diversion activity if that individual meets the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer eligible, qualified individuals who wish to participate to the participating employer for consideration for the subsidized employment position. A TANF applicant who enters subsidized employment must sign Form AWI SEP 0011, TANF Subsidized Employment Program Agreement.

(3) A person who meets the eligibility standards listed under subsection 60BB-10.003(3). F.A.C., who is neither a temporary cash assistance applicant nor current recipient of temporary cash assistance may contact or be contacted by a regional workforce board, Florida career center or other designated entity. Program staff will collect the information necessary to determine if the individual is TANF eligible by
completing Form AWI-SEP 0005(c), Request for TANF Funds/Eligibility Determination—2009/2010 (effective 12/09), incorporated by reference and available at: http://www.floridajobs.org/workforce/backtowork/forms.html. If the individual is determined TANF eligible, the program staff will determine if the individual meets the job skill requirements of a job created by a subsidized employment project. The program staff shall refer qualified individuals who are found eligible for the subsidized employment project to participating employers for consideration for the subsidized employment position. The TANF eligible individual who enters subsidized employment must sign Form AWI-SEP 0011, TANF Subsidized Employment Program Agreement.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10. Repealed ______.

60BB-10.005 Support Services.

Participation in a Subsidized Employment program does not exclude the participant from eligibility for support services such as transportation assistance and child care. The participant may obtain information about, and apply for support services through, the regional workforce board. Support services are provided based on program eligibility and funding availability. If resources do not permit the provision of needed support services, the regional workforce board may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10. Repealed ______.

60BB-10.006 Employer Participation.

(1) Participation in the Subsidized Employment Program is contingent upon funding by the Florida Legislature and the receipt of grant funds from the United States Department of Health and Human Services. Public and Private Sector employers interested in the subsidized employment program must complete Form AWI-SEP 0012, Subsidized Employment Program—Employer Information Sheet (effective 12/09), incorporated by reference and available at: http://www.floridajobs.org/workforce/backtowork/forms.html; that provides contact information for the participating employer, the number of subsidized employment positions needed and a description of the job skills required for each subsidized employment position, an attached budget narrative that details the costs of the project, and a written commitment by the employer to contribute any required funding to support the project and agreement to provide all necessary supervision and training for the subsidized positions.

(2) The Regional Workforce Board will evaluate a proposed subsidized employment project using the following criteria:

(a) Verification that the employer is registered with the Florida Department of State, Division of Corporations, and is authorized to conduct business in Florida;

(b) The commitment from the employer to contribute the amount of cash and/or in-kind services needed to cover any costs not reimbursed from the TANF Contingency Fund;

(c) The commitment from the employer to provide all necessary supervision and training for the employees placed into subsidized positions;

(d) The capability of the participating employer to implement the project on its scheduled timetable;

(e) The financial capability of the participating employer to advance the payroll costs for the project; and

(f) With respect to private, for-profit employers, the commitment of the employer to retain participants in jobs after the period of subsidization ends.

(3) The Regional Workforce Board or its agent shall enter into a Subsidized Employment contract with each participating employer. The contract shall, at a minimum, include the following terms:

(a) The beginning date of employment;

(b) The hourly wage to be paid to the qualified participant;

(c) The number of hours scheduled per week;

(d) The months for which the subsidy is available;

(e) The amount of the subsidy; and

(f) The time period for reimbursement.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10. Repealed ______.

60BB-10.007 Position Requirements.

(1) To qualify for the employment subsidy, the position must:

(a) Pay an hourly wage not less than the minimum wage in Florida;

(b) Meet the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the subsidized employment program; and

(c) Comply with 45 C.F.R. Section 261.70. A subsidized employment position cannot be created if another individual is on-layoff from the same or any substantially equivalent job, or if the employer has terminated the employment of any regular employee or caused an involuntary reduction in its work force in order to fill the vacancy with a subsidized worker; and

(d) Provide the same wages, benefits, and working conditions as are provided to other employees who are performing a substantially equivalent job.

(2) The Agency will subsidize a wage not to exceed $40,579.00, which is the Florida annual average wage for 2008, as published by the Florida Agency for Workforce.

(3) In no case will a position be subsidized for more than 12 months.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed ________.

60BB-10.008 Cost Sharing or Matching.
Allowable costs incurred by the employer may be applied to the cost of employee wages, benefits, supervision, and training for TANF eligible individuals participating in an approved subsidized employment project, provided that:

(1) Any cash or in-kind contributions meet the requirements of 2 C.F.R. Part 215.23;

(2) Any use of in-kind contributions is approved in advance by the Regional Workforce Board; and

(3) The cash and or in-kind costs have not already been used as a matching contribution for another federally-funded program.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed ________.

60BB-10.009 Reapplying for Temporary Cash Assistance Due to an Unanticipated Emergency.
If an individual placed with an employer as a part of the subsidized employment program who agreed not to apply for temporary cash assistance within six months of receiving a short-term non-recurring diversion service, unless an unanticipated emergency situation arises, applies for temporary cash assistance within that six month period, the participant must be referred to the regional workforce board at application for temporary cash assistance to complete the work registration process. Consistent with subsection 65A-4.212(3), F.A.C., the regional workforce board’s subsidized employment program must determine if a demonstrated emergency exists by completing Form AWI SEP 0001(b), Subsidized Employment Diversion Services Emergency Determination (effective 4/2/09), incorporated by reference and available at: http://www.floridajobs.org/workforce/backtowork/forms.html. If the regional workforce board determines that an emergency exists, the regional workforce board designee must so indicate on Form AWI SEP 0001(b). If a demonstrated emergency exists, the individual will not be required to repay the value of short-term non-recurring diversion services provided to the family. The repayment amount shall be deducted from any temporary cash assistance benefit for which the family is otherwise eligible and may be prorated over eight months.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History–New 5-26-10, Repealed ________.

NAME OF PERSON ORIGINATING PROPOSED RULE: James E. Landsberg
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DEPARTMENT OF MANAGEMENT SERVICES
E911 Board
RULE NO.: 60FF1-5.003 E911 State Grant Programs
PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to modify W Form 3A, “Application for the E911 State Grant Program”; to update the procedures for applying for the state grant program; and to renumber the rule accordingly.
SUMMARY: The rule amendment will delete unnecessary language and to add new language to modify W Form 3A, “Application for the E911 State Grant Program”; to update the procedures for applying for the state grant program; and to renumber the rule accordingly.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.
The following is a summary of the SERC:
• The proposed change would not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule.
• The proposed change would not have an impact on business competitiveness.
• Costs are limited to the calculation and processing costs for returning any excess funds.
• No effect on state or local revenue is expected.
• The proposed change is not expected to impact small business, small counties or small cities. Additionally, it has been determined that the rule does not meet the threshold for ratification by the Legislature.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
The E911 State Grant program is a grant program provided for
the purpose of assisting State of Florida counties with the
installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

(a) Each county applying for E911 State Grant funds shall
complete and submit W Form 3A, “Application for the E911 State Grant Program,” effective 3/1/2011
08/1/10, which is incorporated herein by reference and which may be obtained
from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 160
Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for
Application Form items 1 through 14
and the associated quotes for the grant application postmarked or delivered on or
before June November 1.

(b) through (c) No change.

(d) Grant applications totaling $35,000.00 25,000.00 or
more must be accompanied by at least three written
substantiated competitive quotes from different vendors, unless
a sole source request is approved in compliance with (e). The
E911 Board will compare the three quotes to any existing state
contract in order to determine appropriate funding. Any county
that has made a good faith effort to obtain at least three
competitive quotes and has not been able to obtain the quotes
can request E911 Board review based on substantiated proof of
request for quotes or posting of the request with documentation
of the limited responses. Sole source funding will be
considered on a case-by-case basis. Justification and
documentation for sole source funding should be provided with
the grant application. Sole source funding will be approved if
provided in accordance with Chapter 287, F.S., or with
provision of a letter from the county’s purchasing department
that the project is a sole source procurement based on the
county’s purchasing requirements and it should be provided
with this application.

(e) Sole source funding will be considered on a
case-by-case basis. Justification for sole source funding shall
be provided with the grant application. Sole source funding
will be approved if provided in accordance with Chapter 287,
F.S., or with provision of a letter from the county’s purchasing
department that the project is a sole source procurement based
on the county’s purchasing requirements, which should be
provided with the grant application.

(f) through (g) renumbered (f) through (h) No change.

(h) Grant funds shall be deposited in a bank account
maintained by the grantee county, and each grant shall be
assigned a unique accounting code designation for deposits,
disbursements, and expenditures. All E911 State Grant funds
in the account shall be accounted for separately from other
grantee funds. Utilization of the earned interest funds shall be
authorized through an approved Request for Change Form and
expenditure documentation shall be included in the final report.
Grant funds including accrued interest may be used only
between the beginning and ending dates of the grant, unless an
extension is requested and authorized by the E911 Board.
Extension of time will not be granted unless the county has
executed a contract for the grant equipment and/or services,
or demonstrates good cause for failure to execute a contract
within twelve months of award. Grant extensions shall be
limited to a maximum of one additional year when approved
by the Board.

(i) No change.

(j) Grantee counties must submit quarterly reports to the
E911 Board, summarizing the expenditures and activities of
the grant funds. The reports are due 30 days after the end of the
reporting period, which ends March 31, June 30, September
30, and December 31. In lieu of submitting a signed quarterly
Grant Budget/Expenditure and Quarterly Report form, the
updated form can be e-mailed to the Board’s
administrative/technical staff. The quarterly and final reports
will be considered late if not received by the Board Staff prior
to the next scheduled Board Meeting after the due date.

(k) At project completion, a final report shall be
submitted based on the same reporting periods described
above. The County shall determine the final completion date
based on the final payment date or the initiation date of the
warranty period. Final supporting documentation including
copies of all expenditures and corresponding invoices shall be
submitted within 90 days of the final report.

(l) through (m) renumbered (l) through (m) No change.

(m) Grant awards will be withheld for any county that
has a grant with a past-due quarterly report or past-due final
documentation and closeout, of previous E911 Board board
grant awards.

(n) No change.

(o) The amount and availability of funds in the Trust
Fund for allocation each year is subject to an annual
appropriation by the Legislature. The E911 Board will adjust
the amount awarded to a county based upon the availability of
funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3)(a) No change.

(b) Schedule:
1. Counties submit applications: by June 11;
2. E911 Board evaluates applications: June – December;
3. Board votes on applications at regularly scheduled meetings: June – December;
4. Board sends notification of award and issuance of checks to counties approved for funding before December 30;
5. through 6. No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History–New 12-7-08, Amended 10-27-10, Formerly 60FF-5.003, Amended ________.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF HEALTH
Board of Psychology

RULE NO.: 64B19-11.005

RULE TITLE: Supervised Experience Requirements

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the rule and to address the supervisor’s responsibility in instances where there are multiple supervisors.

SUMMARY: The proposed rule amendments clarify the rule and also require the primary supervisor to provide the required information to the Board in instances where there are multiple supervisors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule likely increase regulatory costs, including transactional costs, in excess of $1 million in the aggregate within 5 years after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant’s internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) No change.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) No change.

(b) A psychology resident or post-doctoral fellow may be supervised by more than one supervisor, at more than one location. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for licensure, for supervision, and who integrates all of the applicant’s supervisory experiences.

(c) The post-doctoral training must be a cohesive and integrated training experience which includes meets the following criteria:

1. through 3. No change.

(3) Supervisors’ Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(a) through (g) No change.

(h) When there is more than one supervisor, pursuant to paragraph (2)(b) above, the primary supervisor shall provide the Board with a written statement describing the manner in which the training and supervision comprised a cohesive and integrated experience.

(4) Until licensure, an individual who completes post doctoral training residency may continue to practice under supervision so long as the individual does so in the manner
prescribed by this rule and so long as the individual has applied for licensure and no final order of denial has been entered in the application case before the Board.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, 8-5-01, 7-27-04, 3-4-10,.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.004

RULE TITLE: Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The Fort McCoy Wildlife Management Area (WMA) is privately owned. The landowner is removing the majority of the land, making it unsuitable for use as a WMA. The proposed rule change would remove reference to Ft. McCoy and allow the WMA to be dis-established.

SUMMARY: The proposed rule change would remove references to the Fort McCoy Wildlife Management Area.

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. An SERC has not been prepared 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: Article IV, Section 9, Florida Constitution, 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.1025, 379.2223, 375.313, 375.591 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 379.354(8)(h)1., F.S., shall be:

1. through 4. No change.
2. 5. Ft. McCoy $350
3. 6. through 7. renumbered 5. through 6. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 379.354(8)(h)1., F.S., shall be:

1. through 4. No change.
2. 5. Ft. McCoy 150
3. 6. through 7. renumbered 5. through 6. No change.

(d) through (f) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 6-1-05, 4-3-08, 4-1-09, 7-20-09, 7-1-10,.


NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-9.008 Permits for Physically Disabled

PURPOSE AND EFFECT: The Special Use Vehicle Permit allows vehicular access to certain closed roads on Wildlife Management Areas. Recent changes to federal regulations state that those individuals that qualify for a State-issued, permanent disability parking card should be given this accommodation. The proposed rule would comply with federal guidelines.

SUMMARY: The proposed rule change would expand the eligibility criteria for a Special Use Vehicle Permit to include those individuals that provide a copy of a valid, State-issued, permanent disability parking placard or card and the identification used to obtain the placard or card. This complies with recent changes to federal regulations.

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. An SERC has not been prepared 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.008 Permits for Physically Disabled.
The executive director or his designee may issue permits, to persons who are permanently physically disabled as described below, for activities which would otherwise be regulated or prohibited by these rules. Such permits shall be conditioned as necessary to protect natural resources and to regulate access in accordance with management plans and policies for the area. Individuals not meeting the criteria for a permit set forth in this rule may request accommodation through the process established by the agency:

(1) No change.

(2) Special use vehicle permits. Permits to operate vehicles otherwise permitted by rule, on roads not open to the public, will be issued based upon a determination that the applicant has submitted an original certificate from a licensed physician certifying that the individual is permanently disabled in a way which renders normal walking impossible; or a copy of a valid, State-issued, permanent disability parking placard or card and the identification used to obtain the placard or card.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 5-10-04, Amended 5-1-05, 10-23-08._______.


NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010
FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The Fort McCoy Wildlife Management Area (WMA) is privately owned. The landowner is removing the majority of the land, making it unsuitable for use as a WMA. The proposed rule change will remove reference to Ft. McCoy and allow the WMA to be dis-established.

SUMMARY: The proposed rule change would remove reference to the Fort McCoy Wildlife Management Area.

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. An SERC has not been prepared 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) No change.

(2) Fort McCoy Wildlife Management Area.

(a) Open season:

3. Archery – September 17 through October 16.
5. Youth turkey hunt – March 10-11.
6. Spring turkey – March 17 through April 22.

7. Fishing and frogging—Allowed during periods in which access is allowed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of wild hog with a shoulder height of less than 15 inches is prohibited. The take of wild hog is prohibited after the first nine days of the general gun season and during small game season. Wild hog – daily bag 1, possession limit 2.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Persons operating vehicles shall enter and exit only at designated entrances.
3. Hunting with dogs is prohibited, except bird dogs may be used during the small game season.
4. Access to the area is allowed only from the Saturday two weeks prior to the archery season through one day after the last day of the spring turkey season.
5. Access is allowed only by individuals possessing a valid recreational use permit, except as provided by Section 379.354, FS.

(3) through (37) renumbered (2) through (36) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 6-21-82, Amended 6-29-82, 7-1-83, 5-7-84, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 1-4-90, 7-1-91, 7-2-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-1-99, 7-1-00, 12-20-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 1-4-06, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 7-1-09, 7-1-10, 7-1-11,________.


NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010
DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal

RULE NO.: RULE TITLE:
69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To update the Florida Fire Prevention Code to include the most recently adopted National Fire Protection Standards as directed by Section 633.0215, F.S.

SUMMARY: This rule addresses the rules and codes authorized by Section 633.022, F.S. The rule is amended to adopt the most recent editions of National Fire Protection Standards 1 and 101, the National Fire Protection Standards adopted within the most recent editions of National Fire Protection Standards 1 and 101, and to update National Fire Protection Standards adopted in the rule to the most recently adopted editions. New Florida specific amendments to NFPA 1 and 101 are also adopted, while some, but not all, others carry forward from the original and subsequent rules.

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. An SERC has been prepared 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: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0214, 633.027 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: July 21, 2011, 10:00 a.m.; July 22, 2011, 10:00 a.m.

PLACES:

July 21 – Tacachale Center, 1621 N.E. Waldo Road, Gainesville, Florida
July 22 – Sarasota Police Dept. Building, 2099 Adams Lane, Sarasota, 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: Belinda Chukes at (850)413-3619 or Belinda.Chukes@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Jim.Goodloe@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal’s rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2009 2006 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code 2009 2006 edition, as adopted within Rule Chapter 69A-60, F.A.C., entitled the “2010 2007 edition of the Florida Fire Prevention Code,” are hereby adopted and incorporated by reference and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 11-2005 edition, Standard for Low-, Medium-, and High-Expansion Foam
NFPA 13R-2007 2002 edition, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height
NFPA 17A-2009 edition, Standard on Wet Chemical Extinguishing Systems
NFPA 22-2008 edition, Standard for Water Tanks for Private Fire Protection
NFPA 24-2007 edition, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 30-2008 edition, Flammable and Combustible Liquids Code
NFPA 31-2006 edition, Standard for the Installation of Oil Burning Equipment
NFPA 32-2007 edition, Standards for Drycleaning Plants
NFPA 36-2004 edition, Standard for Solvent Extraction Plants
NFPA 37-2006 edition, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 40-2007 edition, Standard for the Storage and Handling of Cellulose Nitrate Film
NFPA 50-2001 edition, Standard for Bulk Oxygen Systems at Consumer Sites
NFPA 51A-2006 edition, Standard for Acetylene Cylinder Charging Plants
NFPA 51B-2009 edition, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
NFPA 55-2005 edition, Standard for the Storage, Use, and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks
NFPA 59A-2009 edition, Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)
NFPA 61-2008 edition, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
NFPA 70-2008 edition, National Electrical Code®
NFPA 75-2009 edition, Standard for the Protection of information Technology Equipment
NFPA 80A-2007 edition, Recommended Practice for Protection of Buildings from Exterior Fire Exposures
NFPA 86-2007 edition, Standard for Ovens and Furnaces
NFPA 86C-1999 edition, Standard for Industrial Furnaces Using a Special Processing Atmosphere
NFPA 90B-2009 edition, Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 96-2008 edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. Section 10.2.3 Subdivision 10.2.3 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
NFPA 105-2007 2003 edition, Standard Recommended Practice for the Installation of Smoke-Control Door Assemblies and Other Opening Protectives
NFPA 140-2008 2004 edition, Standard on Motion Picture and Television Production Studio Soundstages, and Approved Production Facilities, and Production Locations
NFPA 160-2006 edition, Standard for Use of Flame Effects Before an Audience
NFPA 204-2007 edition, Standard for Smoke and Heat Venting
NFPA 267-1998 edition, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources
NFPA 303-2006 edition, Fire Protection Standards for Marinas and Boatyards
NFPA 326-2005 edition, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
NFPA 409-2004 edition, Standard on Aircraft Hangars
NFPA 410-2004 edition, Standard on Aircraft Maintenance
NFPA 415-2008 edition, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
NFPA 418-2006 edition, Standard for Heliports
NFPA 501-2005 edition, Standard on Manufactured Housing
NFPA 502-2011 2008 edition, Standard for Road Tunnels, Bridges, and Other Limited Access Roadways
NFPA 505-2006 edition, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
NFPA 560-2007 edition, Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
NFPA 654-2006 edition, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 1123-2006 edition, Code for Fireworks Display
NFPA 1124-2006 edition, Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles
NFPA 1126-2006 edition, Standard for the Use of Pyrotechnics Before a Proximate Audience
NFPA 1144-2008 edition, Standard for Reducing Structure Ignition Hazards from Wildland Fire
NFPA 1192-2008 edition, Standard on Recreational Vehicles
NFPA 1221-2010 2007 edition, Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
NFPA 1600-2007 edition, Standard on Disaster/Emergency Management and Business Continuity Programs


The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing


(2) through (3) No change.

(4) The codes and standards published by the National Fire Protection Association, including the Florida edition of NFPA 1 and NFPA 101 as adopted in Rule Chapter 69A-60, F.A.C., may be obtained by writing to BNi, 1612 S. Clementine Street, Anaheim, CA 92802. ANSI standards may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, 1430 Broadway, New York, N.Y. 10018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, Three Park Avenue, 345 East 47th Street, New York, N.Y. 10016-5990. ASTM standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. UL standards may be obtained from Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the Third Floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

(5) through (11) No change.

PROPOSED EFFECTIVE DATE: December 31, 2011.

Rulemaking Authority 633.01(1), 633.022, 633.0215, 633.027 FS. Law Implemented 633.01, 633.022, 633.0215, 633.027 FS. History–New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, 5-18-08, 12-31-08, 12-13-09, 12-31-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal

RULE NOS.: RULE TITLES:
69A-60.002 Scope; Description of Florida Fire Prevention Code
69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2009 Edition, Adopted
69A-60.006 Manufactured and Prototype Buildings

PURPOSE AND EFFECT: To update the Florida Fire Prevention Code to include the most recently adopted National Fire Protection Standards as directed by Section 633.0215, F.S.

SUMMARY: This rule addresses the rules and codes authorized by Section 633.0215, F.S. The rule is amended to adopt the most recent editions of National Fire Protection Standards 1 and 101, the National Fire Protection Standards adopted within the most recent editions of National Fire Protection Standards 1 and 101, and to update National Fire Protection Standards adopted in the rule to the most recently adopted editions. New Florida specific amendments to NFPA 1 and 101 are also adopted, while some, but not all, others carry forward from the original and subsequent rules.

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. An SERC has been prepared 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: 633.01, 633.0215, 633.025 FS.
LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

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

DATES AND TIME: July 21, 2011, 10:00 a.m.; July 22, 2011, 10:00 a.m.
PLACE: July 21 – Tacachale Center, 1621 N.E. Waldo Road, Gainesville, Florida
July 22 – Sarasota Police Dept. Building, 2099 Adams Lane, Sarasota, 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: Belinda Chukes at (850)413-3619 or Belinda.Chukes@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342 (850)413-3620 or Jim.Goodloe@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.002 Scope; Description of Florida Fire Prevention Code.
(1) through (2) No change.
(3)(a) The Florida Fire Prevention Code consists of:
1. National Fire Protection Association (NFPA) 1, the Uniform Fire Code, Florida 2009 2006 edition, as adopted in Rule 69A-60.003, F.A.C.,
2. NFPA 101, the Life Safety Code, Florida 2009 2006 edition, as adopted and incorporated in Rule 69A-60.004, F.A.C., and their additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2009 2006 editions, as provided therein, and
3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C.
(b) through (d) No change.
PROPOSED EFFECTIVE DATE: December 31, 2011.

(1) NFPA 1, the Uniform Fire Code, Florida 2009 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.
(2)(a) NFPA 1, Florida 2009 2006 edition may be purchased by writing to the NFPA at 1 Battymarch Park, Quincy, Massachusetts 02269-9101.
(b) No change.
(c) NFPA 1, Florida 2009 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.
PROPOSED EFFECTIVE DATE: December 31, 2011.

(1) NFPA 101, the Life Safety Code, Florida 2009 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.
(2)(a) NFPA 101, Florida 2009 2006 edition may be purchased by writing to the NFPA at 1 Battymarch Park, Quincy, Massachusetts 02269-9101.
(b) No change.
(c) NFPA 101, Florida 2009 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.
PROPOSED EFFECTIVE DATE: December 31, 2011.

(1) No change.
(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

Rulemaking Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History–New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06, 5-18-08, 12-31-08, 12-31-11.

(1) NFPA 2, the Standard for the Protection of Life and Property from Cold Weather, Florida 2009 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.
(2)(a) NFPA 2, Florida 2009 2006 edition may be purchased by writing to the NFPA at 1 Battymarch Park, Quincy, Massachusetts 02269-9101.
(b) No change.
(c) NFPA 2, Florida 2009 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.
PROPOSED EFFECTIVE DATE: December 31, 2011.
Section 10.2.3 Subdivision 10-2.3 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
NFPA 303, 2006 edition, Fire Protection Standard for Marinas and Boatyards
NFPA 326, 2005 edition, Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
NFPA 409, 2004 edition, Standard on Aircraft Hangars
NFPA 410, 2004 edition, Standard on Aircraft Maintenance
NFPA 430, 2004 edition, Code for the Storage of Liquid and Solid Oxidizers
NFPA 484, 2009 2006 edition, Standard for Combustible Metals
NFPA 501, 2005 edition, Standard on Manufactured Housing
NFPA 505, 2006 edition, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
NFPA 560, 2007 edition, Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
NFPA 654, 2006 edition, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 913, 2006 edition, Code for Fireworks Display
NFPA 914, 2006 edition, Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks, and Pyrotechnic Articles
NFPA 916, 2006 edition, Standard for the Use of Pyrotechnics before a Proximate Audience
NFPA 9144, 2008 edition, Standard for Reducing Structure Ignition Hazards from Wildland Fire
NFPA 919, 2008 edition, Standard on Recreational Vehicles
NFPA 1221, 2010 2007 edition, Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
Such portions of “The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” which pertain to meeting firesafety requirements without destroying the historical aspects of the building


The portions of ANSI A14.3-2002, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 25 West 43rd Street, 4th Floor, West 42nd Street, New York, NY 10036

Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 25 West 43rd Street, 4th Floor, West 42nd Street, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 25 West 43rd Street, 4th Floor, West 42nd Street, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-2002, Safety Code for Existing Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 2001 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition


16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: December 31, 2011.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE: 69B-215.235 Use of Designations

PURPOSE AND EFFECT: The purpose of the proposed rule development is to extend guidance and set forth standards in the use of professional designations or certifications by licensees engaged in the marketing and sale of insurance products. The proposed rule clarifies that lawful designations must be granted only by recognized organizations that maintain published standards and procedures that assure the ongoing competency and ethical conduct of members or conferees. The proposed rule prohibits any use of self-conferred or baseless designations by licensees engaged in the marketing of insurance products. The proposed rule is designed to protect consumers from deceptive trade practices.

SUMMARY: The proposed rule provides guidelines and standards regarding the use by licensees of recognized designations in the marketing and sale of insurance products. The proposed rule prohibits licensees from the use of baseless or self-conferred designations in order to protect consumers from deceptive trade practices.

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. An SERC has been prepared 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: 626.9611(1) FS.

LAW IMPLEMENTED: 626.9541(1)(ff) 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: Tuesday, July 26, 2011, 11:00 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: Richard Brinkley, (850)413-5654 or Richard.Brinkley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-215.235 Use of Designations.

(1) The purpose of this rule is to set forth standards to protect consumers from dishonest, deceptive, misleading, and fraudulent trade practices with respect to the use of certifications and professional designations in the marketing, solicitation, negotiation, sale or advice made in connection with an insurance transaction by any licensee.

(2) The department does NOT endorse any professional designation.

(3) For purposes of this rule:

(a) A designation is any combination of words (or an acronym standing for a combination of words) that indicates or implies that a licensee has special knowledge or training in advising or servicing consumers beyond the knowledge or training required for the license held.

(b) A certification is any designation that indicates, implies or recognizes that an individual or organization meets certain established criteria beyond the criteria required for the license held.

(4) A designation may not be lawfully used under the Insurance Code unless the designation is obtained from an organization that has published standards and procedures for assuring the competency of its certificants or designees on specific subject matters at the time of the designation’s conferment, which standards and procedures are continually utilized by the organization and updated as appropriate.
(5) The organization or entity conferring the designation must specify the exact terminology, combination of words and/or acronym to be used by the designee.

(6) The prohibited use of any designation includes, but is not limited to, the following:

(a) Use of a designation by a person who has not actually earned or is otherwise ineligible to use such designation;

(b) Use of a nonexistent or self-conferred designation;

(c) Use of a designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the designation does not have, or

(d) Use of any designation not obtained in compliance with subsection (4), above.

Rulemaking Authority 626.9611(1) FS. Law Implemented 626.9541(1)(ff) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-23.003

RULE TITLE: Renewal of direct disposer licenses

PURPOSE AND EFFECT: To establish procedures, forms, and a schedule for biennial renewal of direct disposer licenses. This is mandatory rulemaking pursuant to changes made to Section 497.603(2), F.S., by s. 27 of Chapter 2010-125, Laws of Florida. This proposed rule was reviewed and approved by the Board of Funeral, Cemetery and Consumer Services at its meeting on January 6, 2011.

SUMMARY: Provides procedures, forms, and a schedule for biennial renewal of direct disposer licenses.

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. An SERC has been prepared 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: 497.103(5)(a), 497.603(2) FS. Law Implemented: 497.603(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 13, 2011, 9:00 a.m.
PLACE: Room 332, Pepper Building, 111 W. Madison 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: LaTonya Bryant-Parker, at (850)413-4957 or by email at LaTonya.Bryant-Parker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshire@dew.MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-23.003 Renewal of direct disposer licenses.

(1) Direct disposer licenses shall expire at 11:59 p.m. on August 31 of every odd-numbered calendar year.

(2) Renewal fees for direct disposers shall be as specified in Rule 69K-17.0030, F.A.C. In addition, the unlicensed activity fee in the amount of $5.00, required under Section 497.140(6), Florida Statutes, shall be remitted by the licensee with each renewal fee.

(3) At least 90 days prior to the expiration date of the direct disposer license, the Division of Funeral, Cemetery, and Consumer Services shall mail each direct disposer holding a valid direct disposer license, a license renewal notice, to the licensee’s preferred mailing address as shown in the Division’s records. A direct disposer shall renew his/her license by returning the license renewal notice to the Division at the address stated on the invoice, with the applicable renewal and unlicensed activity fees, prior to the expiration date of the license.

Rulemaking Authority 497.103(5)(a), 497.603(2) FS. Law Implemented 497.603, 497.140(6) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, as Executive Director, Board of Funeral, Cemetery, and Consumer Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Section 497.101, F.S.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF FINANCIAL SERVICES
Division of Workers’ Compensation

RULE NO.: RULE TITLE:
69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption

PURPOSE AND EFFECT: The proposed rule deletes discontinued class codes, adds new class codes and revises descriptions of construction class codes, as published in the Florida exception pages in the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual, 2001 edition. The proposed rule also adopts the corresponding definitions published in the NCCI, Scopes® of Basic Manual Classifications (February, 2011) and defines when an employer is engaged in the construction industry, for purposes of this rule. The aforementioned materials include updates through February 1, 2011. The effect of the proposed rule is to incorporate and maintain accurate construction class codes, descriptions and definitions for purposes of determining the necessary coverage requirements when obtaining workers’ compensation insurance.

SUMMARY: Adopts the updated and revised descriptions of construction class codes as published in the Florida exception pages in the NCCI, Basic Manual; and the corresponding definitions published in the NCCI, Scopes® of Basic Manual Classifications; also defines when an employer is engaged in the construction industry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No economic or non-economic impact will occur as a result of the proposed rule.

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

(a) 0042 Landscape Gardening and Drivers
(b) 0050 Farm Machinery Operation By Contractor and Drivers
(c) 1322 Oil or Gas – Well – Cleaning or Swabbing of Old Wells – By Specialist Contractor – Having Previously Produced Gas or Oil – By Contractor No Drilling &
(d) 2799 Manufactured, Modular or Prefabricated Home Setup, Hookup, or Installation at Building Site
(e) 3365 Welding or Cutting NOC and Drivers
(f) 3719 Oil Still Erection or Repair
(g) 3724 Machinery or Equipment Erection or Repair NOC and Drivers
(h) 3726 Boiler Installation or Repair – Steam
(i) 5020 Ceiling Installation – Suspended Acoustical Grid Type
(j) 5022 Masonry NOC
(k) 5037 Painting: Metal Structures Over Two Stories in Height and Drivers

RULEMAKING AUTHORITY: 440.02(8), 440.591 FS.
LAW IMPLEMENTED: 440.02(8) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: Tuesday, July 19, 2011, 1:30 p.m.
PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Delaney, Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)-413-1775 or Robin.Delaney@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption.

(1) The Division adopts the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (October 2005 ed.), including updates through January 1, 2011. For convenience, the Division lists here the classification codes and descriptions that are published in the Florida exception pages of the Basic Manual and adopted in this rule.

(2) For purposes of this rule, an employer is engaged in the construction industry when any portion of the employer’s business operations is described in the construction industry classification codes that are adopted in this rule.

(a) 0042 Landscape Gardening and Drivers
(b) 0050 Farm Machinery Operation By Contractor and Drivers
(c) 1322 Oil or Gas – Well – Cleaning or Swabbing of Old Wells – By Specialist Contractor – Having Previously Produced Gas or Oil – By Contractor No Drilling & and Drivers
(d) 2799 Manufactured, Modular or Prefabricated Home Setup, Hookup, or Installation at Building Site
(e) 3365 Welding or Cutting NOC and Drivers
(f) 3719 Oil Still Erection or Repair
(g) 3724 Machinery or Equipment Erection or Repair NOC and Drivers
(h) 3726 Boiler Installation or Repair – Steam
(i) 5020 Ceiling Installation – Suspended Acoustical Grid Type
(j) 5022 Masonry NOC
(k) 5037 Painting: Metal Structures Over Two Stories in Height and Drivers
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1734</td>
<td>Iron or Steel: Erection - Frame Structures</td>
</tr>
<tr>
<td>1735</td>
<td>Iron or Steel: Erection - Frame Structures Not Over Two Stories in Height</td>
</tr>
<tr>
<td>1736</td>
<td>Iron or Steel: Erection - Construction of Dwellings Not Over Two Stories in Height</td>
</tr>
<tr>
<td>1737</td>
<td>Door, and Window Installation – All Types – Residential and Commercial Door Frame or Sash Erection – Metal or Metal Covered</td>
</tr>
<tr>
<td>1738</td>
<td>Furniture or Fixtures Installation – Portable – NOC</td>
</tr>
<tr>
<td>1739</td>
<td>Elevator Erection or Repair</td>
</tr>
<tr>
<td>1740</td>
<td>Plumbing NOC and Drivers</td>
</tr>
<tr>
<td>1741</td>
<td>Automatic Sprinkler Installation and Drivers</td>
</tr>
<tr>
<td>1742</td>
<td>Electrical Wiring Within Buildings and Drivers</td>
</tr>
<tr>
<td>1743</td>
<td>Concrete Construction NOC</td>
</tr>
<tr>
<td>1744</td>
<td>Concrete Work Incidental to the Construction of Private Residence</td>
</tr>
<tr>
<td>1745</td>
<td>Concrete or Cement Work – Floors, Driveways, Yards, and or Sidewalks and Drivers (N/A MA)</td>
</tr>
<tr>
<td>1746</td>
<td>Concrete Construction in Connection with Bridges or Culverts</td>
</tr>
<tr>
<td>1747</td>
<td>Swimming Pool Construction, Installation, or Repair – Not Iron or Steel &amp; Drivers</td>
</tr>
<tr>
<td>1748</td>
<td>Ceramic Tile, Indoor Stone, Marble, or Mosaic Work</td>
</tr>
<tr>
<td>1749</td>
<td>Stone, Mosaic or Terrazzo or Ceramic Tile Work Inside</td>
</tr>
<tr>
<td>1750</td>
<td>Hothouse Erection All Operations</td>
</tr>
<tr>
<td>1751</td>
<td>Carpentry – NOC</td>
</tr>
<tr>
<td>1752</td>
<td>Carpenter – Installation of Cabinet Work or Interior Trim</td>
</tr>
<tr>
<td>1753</td>
<td>Lathing and Drivers</td>
</tr>
<tr>
<td>1754</td>
<td>Wallboard Installation Within Buildings and Drivers</td>
</tr>
<tr>
<td>1755</td>
<td>Glazier Away From Shop and Drivers</td>
</tr>
<tr>
<td>1756</td>
<td>Asbestos Contractor – Pipe and Boiler Work Exclusively &amp; Drivers</td>
</tr>
<tr>
<td>1757</td>
<td>Asbestos Contractor – NOC and Drivers</td>
</tr>
<tr>
<td>1758</td>
<td>Asbestos Removal Operations: Contractor – Pipe and Boiler Work Exclusively &amp; Drivers</td>
</tr>
<tr>
<td>1759</td>
<td>Asbestos Contractor – NOC and Drivers</td>
</tr>
<tr>
<td>1760</td>
<td>Painting or Paperhanging NOC &amp; Shop Operations, Drivers</td>
</tr>
<tr>
<td>1761</td>
<td>Floor Covering Installation – Resilient Flooring – Carpet and Laminate Flooring – Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Tile Installation</td>
</tr>
<tr>
<td>1762</td>
<td>Insulation Work NOC and Drivers</td>
</tr>
<tr>
<td>1763</td>
<td>Plastering NOC and Drivers</td>
</tr>
<tr>
<td>1764</td>
<td>Paperhanging and Drivers</td>
</tr>
<tr>
<td>1765</td>
<td>Street or Road Construction: Paving or Repaving and Drivers</td>
</tr>
<tr>
<td>1766</td>
<td>Street or Road Construction: Subsurface Work and Drivers</td>
</tr>
<tr>
<td>1767</td>
<td>Street or Road Construction: Rock Excavation and Drivers</td>
</tr>
<tr>
<td>1768</td>
<td>Street or Road Maintenance or Beautification &amp; Drivers</td>
</tr>
<tr>
<td>1769</td>
<td>Sheet Metal Work – Installation &amp; Drivers</td>
</tr>
<tr>
<td>1770</td>
<td>Heating, Ventilation, Air Conditioning and Refrigeration Systems Installations, Service and Repair, Shop, Yard &amp; Drivers</td>
</tr>
<tr>
<td>1771</td>
<td>Roofing – All Kinds and Yard Employees, Drivers</td>
</tr>
<tr>
<td>1772</td>
<td>Contractor – Project Manager, Construction Executive, Construction Manager or Construction Superintendent</td>
</tr>
<tr>
<td>1773</td>
<td>Superintendent Executive Supervisor or Construction Superintendent</td>
</tr>
<tr>
<td>1774</td>
<td>Cleaner – Debris Removal – Construction Contractor</td>
</tr>
<tr>
<td>1775</td>
<td>Cleaner – Debris Removal – Temporary Labor Service</td>
</tr>
<tr>
<td>1776</td>
<td>Carpenter – Detached One or Two Family Dwellings</td>
</tr>
<tr>
<td>1777</td>
<td>Carpenter – Dwellings – Three Stories or Less</td>
</tr>
<tr>
<td>1778</td>
<td>Building Raising or Moving and Drivers</td>
</tr>
<tr>
<td>1779</td>
<td>Salvage Operation – No Wrecking or Any Structural Operations</td>
</tr>
<tr>
<td>1780</td>
<td>Land Pile Driving</td>
</tr>
<tr>
<td>1781</td>
<td>Marine Pile Driving, Dock &amp; Seawall, Jetty or Breakwater, Dike or Revetment Construction – All Operations to Completion &amp; Drivers</td>
</tr>
<tr>
<td>1782</td>
<td>Dam or Lock Construction: Concrete Work – All Operations</td>
</tr>
<tr>
<td>1783</td>
<td>Dam or Lock Construction: Earth Moving or Placing – All Operations and Drivers</td>
</tr>
<tr>
<td>1784</td>
<td>Levee Construction – All Operations to Completion and Drivers</td>
</tr>
<tr>
<td>1785</td>
<td>Drilling NOC and Drivers</td>
</tr>
<tr>
<td>1786</td>
<td>Oil or Gas Well: Cementing and Drivers</td>
</tr>
<tr>
<td>1787</td>
<td>Oil or Gas – Wells – Specialty Tool &amp; Equipment Leasing Operation NOC – By Contractor – All Employees &amp; Drivers</td>
</tr>
<tr>
<td>1788</td>
<td>Oil or Gas Well: Perforating of Casing – All Employees and Drivers</td>
</tr>
<tr>
<td>1789</td>
<td>Oil or Gas – Lease Work NOC – By Specialist Contractor &amp; and Drivers</td>
</tr>
</tbody>
</table>
The Division adopts the definitions published by NCCI, SCOPES® of Basic Manual Classifications (February October, 2011), including updates through February 1, 2011, that correspond to the classification codes and descriptions adopted in subsection (1) above. The definitions identify the workplace operations that satisfy the criteria of the term “construction industry” as used in the workers’ compensation law. The definitions are hereby incorporated by reference and can be obtained by writing to the Division of Workers’ Compensation, Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228.

Rulemaking Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8) FS. History–New 10-21-02, Formerly 4L-6.021, Amended 7-4-04, 3-15-06, 2-8-07, 6-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Delaney, Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.: RULE TITLES:
5H-1.006 Definitions
5H-1.007 Content of Dealers Records
5H-1.008 Guidelines for Imposing Administrative Penalties
5H-1.009 Documents Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 10, March 11, 2011 issue of the Florida Administrative Weekly.

5H-1.006 Definitions.

For the purpose of this chapter, the definitions in Section 604.15, Florida Statutes, and the following shall apply.

Tropical Foliage means any kind of herbaceous plant plants originally from tropical climates, that are grown and sold as potted plants, cut foliage, or interiorscapes, primarily for their decorative value of their leaves. Excluded from this definition are woody temperate zone plants, such as trees, shrubs or woody vines.