

64B7-27.007 Biennial Renewal Fee for Massage Establishments.

Rulemaking Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History—New 11-27-79, Amended 7-9-80, Formerly 21L-27.07, Amended 12-18-88, Formerly 21L-27.007, 61G11-27.007, Amended 7-30-02, 9-19-10, Repealed.

64B7-27.008 Initial Fee for Licensure.

Rulemaking Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History—New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended 7-30-02, 10-13-10, Repealed.

64B7-27.010 Renewal Fee for Inactive License.

Rulemaking Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1), (1)(l) FS. History—New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended 7-30-02, 9-19-10, Repealed.

64B7-27.011 Reactivation Fee for Inactive License.

Rulemaking Specific Authority 480.0425 FS. Law Implemented 456.025(1), 456.036(4), 480.044(1)(l) FS. History—New 12-18-84, Formerly 21L-27.11, Amended 1-30-90, Formerly 21L-27.011, 61G11-27.011, Repealed.

64B7-27.012 Licensure of Establishment Fee.

Rulemaking Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044(1)(d) FS. History—New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, 7-30-02, 9-19-10, Repealed.

64B7-27.014 Duplicate License Fees.

Rulemaking Specific Authority 456.025(7) FS. Law Implemented 456.025(7) FS. History—New 1-30-90, Formerly 21L-27.014, 61G11-27.014, Repealed.

64B7-27.015 Delinquency Fee.

Rulemaking Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History—New 12-12-94, Formerly 61G11-27.015, Amended 7-30-02, Repealed.

64B7-27.016 Change in Status Fee.

Rulemaking Specific Authority 456.036(8) FS. Law Implemented 456.036(8) FS. History—New 12-12-94, Formerly 61G11-27.016, Amended 7-30-02, Repealed.

64B7-27.017 Unlicensed Activity Fee.

Rulemaking Specific Authority 456.065(3) FS. Law Implemented 456.065(3) FS. History—New 7-30-02, Repealed.

64B7-27.018 Fee for Retired Status License.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 12-13-05, Repealed.

64B7-27.019 Fee for Reactivation of Retired Status License.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 12-13-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
RULE TITLE: Polling Place Procedures Manual
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. 40, October 7, 2011 issue of the Florida Administrative Weekly.

In response to public comments and comments from the Joint Administrative Procedures Committee, the following changes have been made to the Polling Place Procedures Manual (DS-DE 11) which is incorporated by reference in the rule:

1. The second paragraph of subsection E (Poll watchers) of Section II (The Polling Place) is revised to clarify that although designated poll watchers may roam through polling locations throughout the county, only one poll watcher from each political party, candidate, or political committee may be present at any one time in each polling room between polling hours.

2. Subsection B. (Voter who requested an absentee ballot now wants to vote at the polls) of Section III (Voter Eligibility) is reworded to clarify that the voter may get to vote a regular ballot at the polls, provided it can be confirmed or verified that he or she has not already voted an absentee or that the voter has not already exceeded the limit for replacement ballots.

3. Subsection E. (Voter's Address Changes/Differs) of Section III. (Voter Eligibility) is revised to clarify that an out-of-county move-in voter are permitted to vote a provisional ballot upon executing an address change but that if the new address places the voter in a different corresponding precinct or polling place, the poll worker should direct the voter there to vote. Additionally it is clarified that the provisional ballot certificate affirmation may satisfy the requirement for a change

of address affirmation such that the out-of-county move-in voter is not required to fill out two out-of-county address affirmation.

4. Subsection F. (Voter Leaves the Booth Without Casting His or Her Ballot) of Section IV (The Voting Process) is revised to clarify that a blank ballot or overvoted ballot that a voter has left in the booth without casting should be cast and that only rejected ballots that are damaged or whose coding cannot be read should be marked as unscanned and sent to the canvassing board.

5. Section VIII (Interacting with Voters) is revised to add reference to other types of impairments such as emotional or intellectual as may result from brain injury, accident, or genetic condition and how to accommodate these voters at the polls.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.048 NVRA-Voter Registration Agencies
 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. 38, September 23, 2011 issue of the Florida Administrative Weekly. Based upon written comments received for the public hearing and from the Joint Administrative Procedures Committee, subsection (7) has been revised to remove the option of submitting voter registration activity reports in an electronic format prescribed by the Department. Subsection (8) has also been revised to clarify that the application made available online should also be available for print since current forms online do not allow a person to save inputted data online. In addition, reference to 42 USC 1973gg (National Voter Registration Act) is changed to section 97.012(7) and (9), Florida which references the state’s coordination of NVRA activities. Additionally, the title of the rule will read State and Federal Designated NVRA Voter Registration Agencies-Responsibilities in order to distinguish it from private persons or entities who solicit and collect voter registrations as Third-party Voter Registration Organizations that are governed by a very different provision of law.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.039 Supplemental Educational Services
 in Title I Schools

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the meeting noticed in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

Rule 6A-1.039, Supplemental Educational Services in Title I Schools, was inadvertently omitted from the meeting notice for the State Board of Education meeting being held at Andrew Jackson High School, 3816 N. Main St., Jacksonville, Florida, on November 15, 2011, starting at 9:00 a.m. This rule was noticed for action by the Board on November 15th in the October 14, 2011 edition of the FAW.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-7.0710 Instructional Materials Policies and
 Procedures

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rulemaking omitted the following statement of estimated regulatory costs and legislative ratification information: The agency has determined that the technological and procedural requirements create some minimal regulatory costs for local governments and private entities. Agency resources have been committed to streamline these procedures and minimize transactional costs. The rule is expected to affect a small number of small businesses. The rule does not create regulatory costs which would invoke the requirement for legislative ratification. No lower cost regulatory alternatives have been submitted.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-7.0712 Local Instructional Improvement
 Systems

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. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Rule 6A-7.0712 is amended as follows:

6A-7.0712 Local Instructional Improvement Systems
~~System~~

(1) Each school district shall develop and implement a Local Instructional Improvement System consistent with the Florida Department of Education’s minimum standards by June 30, 2014. The Department’s Local Instructional Improvement Systems Minimum Standards (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00658>) December 2011 are hereby incorporated by reference and may be obtained on the Department’s web site at <http://www.fldoe.org/arra/LIISMS.asp>.

(2) To determine the progress districts are making toward compliance with the minimum standards and determine compliance with the minimum standards and Section 1006.281, Florida Statutes, districts will be required to report to the Department on an annual basis. The Department will notify districts of the due date of the report no later than sixty days prior to the date the report is due. The date that the report shall be due will be posted on the Department's website at <http://www.fldoe.org.arra/LIISMS.asp> no later than sixty (60) days prior to the date the report is due.²²

(3) Beginning in fiscal year 2014-15, the Department shall review the minimum standards for needed revisions at least every three (3) years.

Rulemaking Authority 1006.281 FS. Law Implemented 1006.281 History--New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0315 RULE TITLE: College Preparatory Testing, Placement, and Instruction

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 41, October 14, 2011 Florida Administrative Weekly has been continued from November 15, 2011 to December 5, 2011.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE NO.: 29C-9.001 RULE TITLE: Strategic Regional Policy Plan

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. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to testimony received at the final public hearing to adopt the proposed rule held on October 27, 2011 and the vote of the Council at the meeting held on October 27, 2011. A new Policy 4.1.9 has been added to the North Central Florida Strategic Regional Policy Plan. The new policy states as follows:

Policy 4.1.9 Ensure that local government comprehensive plans and Developments of Regional Impact do not include provisions relying upon Regional Plan Policies 4.1.5 and 4.1.6 contained herein as encouragement or justification to require the issuance of a local government permit for the consumptive use of water or the exercise of any other local government regulatory action preempting or having the effect of preempting the exclusive authority of water management districts over the consumptive use of water as authorized by Chapter 373, Florida Statutes.

Copies of the policy can be obtained from the North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603 or from its website at <http://www.ncfrpc.org/publications>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Koons, Executive Director, North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.721 RULE TITLE: Visiting Operations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 25, September 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.6051 RULE TITLE: Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

40D-1.659 Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659 RULE TITLE: Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-3.101	Content of Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the

regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-40.044	General Permit for Site Conditions Assessment
40D-40.302	Conditions for Issuance of General Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-400.500
 RULE TITLE: General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Correction is made to add the following language to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification section of the Notice of Proposed Rule as follows:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Proposed amendments will reduce costs for the regulated public. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008
 RULE TITLE: Permitted Medications for Horses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 36, September 10, 2010 issue of the Florida Administrative Weekly.

61D-6.008 Permitted Medications for Horses.

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

2. The post race serum sample of such horse contains a concentration less than 2 5 micrograms (mcg) of phenylbutazone or its metabolites per milliliter (ml) of serum.

(b) When the post race serum sample of such horse contains a concentration of phenylbutazone equal to or in excess of 2 micrograms per milliliter of serum, but less than 5 8 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:

1. through 3. No change.

(c) When the post race serum sample contains a concentration of phenylbutazone equal to or in excess of 5 8 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:

1. through 3. No change.

(3) through (8) No change.

(9) The following permitted medications shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, F.S.:

~~(a) The detection of cimetidine at a urinary concentration less than or equal to 10 micrograms per milliliter.~~

~~(a)(b) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration less than or equal to 10 micrograms per milliliter.~~

~~(c) The detection of famotidine at a urinary concentration less than or equal to 10 micrograms per milliliter.~~

~~(b)(d) The detection of flunixin at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(c)(e) The detection of guaifenesin (free) at a blood serum concentration less than or equal to 100 nanograms per milliliter.~~

~~(d)(f) The detection of total isoxsuprine at a urinary concentration less than or equal to 100 nanograms per milliliter.~~

~~(e)(g) The detection of ketoprofen at a blood serum concentration less than or equal to 10 nanograms per milliliter.~~

~~(f)(h) The detection of methocarbamol (free) at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(g)(i) The detection of naproxen at a blood serum concentration less than or equal to 1 microgram per milliliter.~~

~~(j) The detection of a sulfide metabolite of omeprazole detected by LC-MS.~~

~~(k) The detection of ranitidine at a urinary concentration less than or equal to 10 micrograms per milliliter.~~

(10) No change.

Rulemaking Authority 550.0251(3), 550.2415(7)(a), (b), (c), (e), (8)(c), (12) FS. Law Implemented 550.0251(11), 550.2415(1), (7)(8)(e), (8)(9)(c), (12)(13), (14)(15), (15)(16) FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, 7-6-06, 8-12-07, 12-30-08,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.005
 RULE TITLE: Endorsement

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 13, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of

its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.001
 RULE TITLE: Written Examination Designated; General Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

The change will correct the DATE PROPOSED RULE APPROVED BY AGENCY HEAD and DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW. DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-55267.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.001
 RULE TITLE: Seals Acceptable to the Board

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

The change will correct the DATE PROPOSED RULE APPROVED BY AGENCY HEAD and DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-55267.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-42.001
 RULE TITLES: Licensure by Endorsement
 64B8-42.002 Licensure by Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST shall read as "During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Council of Dietetic and Nutrition Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.014
 RULE TITLE: Inactive Status; Reactivation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.014	Eligibility for Services
65G-4.015	Eligibility Criteria
65G-4.016	Application Process
65G-4.017	Establishing Eligibility

NOTICE OF PUBLIC HEARING

The Agency for Persons with Disabilities announces a hearing regarding the above rule, as noticed in Vol. 37, No. 44, November 4, 2011 Florida Administrative Weekly.

DATE AND TIME: Thursday, December 1, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Process and criteria for determining eligibility for services provided to persons with developmental disabilities.

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: Terri McGarrity, Senior Management Analyst Supervisor, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7452. 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).

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.:	RULE TITLE:
69L-9.015	Drug Testing Criteria

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on September 9, 2011, did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification.

The following language is inserted under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification: The Department has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

herein: The Department neither uses nor relies on Rule 69L-9.015, F.A.C., and lacks the rulemaking authority necessary to retain it. The rule is an artifact of the multiple reorganizations made to State of Florida’s government agencies that have occurred over the years. The rule was inadvertently transferred to the Department in 2003. The text of Rule 69L-9.015, F.A.C., is limited to a statement incorporating Agency for Health Care Administration (AHCA) Rule 59A-24.006, F.A.C., by reference. Given that Rule 59A-24.006 is actively administered under a grant of rulemaking authority provided to AHCA, the repeal of Rule 69L-9.015 will not result in any economic impact and will therefore not be subject to legislative ratification.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12BER11-17	Tax on Transfers of Ownership Interest in Legal Entities

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2009-131, Laws of Florida, authorizes the Department to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Section 201.02(1)(b), F.S., provides for the imposition of tax on transfers of ownership interest in a conduit entity when the transfer is within three years of a transfer of Florida real property into the conduit entity, documentary stamp tax was not paid on the full consideration when the real property was transferred into the conduit entity, and the ownership interest transferred belonged to the grantor of the real property. This emergency rule provides how the tax is imposed, when the tax is due, and examples of transfers of real property that would be subject to the tax.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2009-131, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. This law imposes a tax on the transfer of a grantor’s ownership interest in a conduit entity when the grantor conveyed real property to the conduit entity without having paid tax on the full consideration for the real property and the transfer is within three years after the grantor conveyed the real property to the conduit entity.

SUMMARY: Emergency Rule 12BER11-17 (Tax on Transfers of Ownership Interest in Legal Entities), provides for the application of tax to transfers of a grantor’s ownership interest