

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

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| RULE NOS.: | RULE TITLES:                                       |
| 5M-4.001   | Purpose  |
| 5M-4.002   | Approved Interim Measure Best Management Practices |
| 5M-4.003   | Notice of Intent to Implement                      |
| 5M-4.004   | Presumption of Compliance                          |
| 5M-4.005   | Record Keeping                                     |

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to provide guidance on the implementation of Best Management Practices to potato producers within the Tri-County Agricultural Area (TCAA).

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule revision will address the implementation of Best Management Practices for potato operations in the TCAA.

**RULEMAKING AUTHORITY:** 403.067(7)(c)2., 570.07(10), 570.07(23) FS.

**LAW IMPLEMENTED:** 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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| RULE NO.:  | RULE TITLE:   |
| 6A-1.09981 | Implementation of Florida’s System of School Improvement and Accountability |

**PURPOSE AND EFFECT:** The purpose of the rule development is to amend the sections of rule pertaining to the calculation of school grades and to include new components in the school grades formula consistent with Section 1008.34, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** School Grades.

**RULEMAKING AUTHORITY:** 1008.34(8) FS.

**LAW IMPLEMENTED:** 1008.34 FS.

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

**DATES AND TIMES:** January 4, 2012, 2:00 p.m. – 4:00 p.m.; January 5, 2012, 2:00 p.m. – 4:00 p.m.; January 6, 2012, 2:00 p.m. – 4:00 p.m.

**PLACES:** January 4, 2012 – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400; January 5, 2012 – Edgewater High School, Auditorium, 3100 Edgewater Drive, Orlando, Florida 32833-2779; and January 6, 2012 – Junior Achievement of South Florida, Auditorium, 1130 Coconut Creek Blvd., Coconut Creek, Florida 33066

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400, Ed.croft@fldoe.org. To submit a comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

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| RULE NO.: | RULE TITLE:                            |
| 6E-2.004  | Standards and Procedures for Licensure |

**PURPOSE AND EFFECT:** The purpose and effect is to consider modifications to the documentation and standards required of licensed institutions during provisional and beginning annual license to assist the Commission in making determinations of financial soundness.

**SUBJECT AREA TO BE ADDRESSED:** Financial reporting of licensed postsecondary institutions.

**RULEMAKING AUTHORITY:** 1005.22(1)(e), 1005.31(2) FS.

**LAW IMPLEMENTED:** 1005.31 (2). 1005.33 FS.

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

**DATE AND TIME:** January 3, 2012, 3:00 p.m.

**PLACE:** Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.004  
 RULE TITLE: Athlete Agent Departmental Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Athlete Agent application forms.  
 RULEMAKING AUTHORITY: 455.203(5), 455.2035, 468.457 FS.  
 LAW IMPLEMENTED: 455.213, 468.453 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.006  
 RULE TITLE: Florida Barbers' Departmental Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Florida Barbers' forms.  
 RULEMAKING AUTHORITY: 455.203, 455.213 FS.  
 LAW IMPLEMENTED: 455.213, 455.217, 455.2179, 455.219, 455.2228, 455.2281, 455.271, 476.114, 476.124, 476.134, 476.144, 476.184, 476.192 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.011  
 RULE TITLE: Cosmetology  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Cosmetology application forms.  
 RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 455.213, 455.217, 455.2179, 455.219, 455.2228, 455.271, 477.0132, 477.014, 477.019, 477.0201, 477.0212, 477.022, 477.025, 477.026, 477.0263, 559.79 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-1.004  
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule amendments will reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055 and 2011-119 and remove other agency rules from incorporation by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address statute changes relating to fire safety and bathroom requirements made by Laws of Florida Chapter 2008-055; the “resort condominiums” and “resort dwellings” classification change made by Chapter 2011-119, Laws of Florida; and adoption of other agency rules.

RULEMAKING AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.215, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133, E-mail: Michelle.Comingore@dbpr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.004 General Sanitation and Safety Requirements.

The following general requirements and standards shall be met by all public lodging and public food service establishments.

(1) Water, plumbing and waste.

(a) Except as specifically provided in these rules, standards for water, plumbing and waste shall be governed by Chapter 5, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. For the purposes of this section, the term “food establishment” as referenced in the Food Code shall apply to all public lodging and public food service establishments as defined in Chapter 509, F.S.

(a) ~~The water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., herein adopted by reference, where applicable.~~

~~(b) Bottled and packaged potable water shall be transported and obtained in accordance with the requirements of Title 21, Code of Federal Regulation, Parts 129 and 165, as adopted by the Department of Agriculture and Consumer Services in Rule 5K-4.002, FAC, herein adopted by reference.~~

~~(b)(e)~~ Steam used in contact with food or food-contact surfaces shall be governed by Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and free from any materials or additives except as allowed by Chapter 7,

Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. other than those specified in Title 21, Code of Federal Regulations 173.310, herein adopted by reference.

~~(d) Sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., herein adopted by reference, whichever is applicable. Grease interceptors shall be designed and installed in accordance with provisions of Chapter 64E-6, F.A.C., herein adopted by reference, or the plumbing authority having jurisdiction.~~

~~(e) All garbage and rubbish shall be removed from the establishment premises with sufficient frequency to prevent nuisance conditions and shall be disposed of in accordance with provisions of Chapter 62-701, F.A.C., herein adopted by reference.~~

(2) ~~Public B~~ Public bathrooms.

(a) Each public lodging establishment and public food service establishment shall provide at least one ~~be provided with adequate and~~ conveniently located bathroom facility ~~facilities~~ for its employees and guests in accordance with provisions of these rules and as approved by the local building plumbing authority having jurisdiction. Public access to bathroom toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. Bathroom fixtures shall be of readily cleanable sanitary design. Bathroom facilities shall be kept clean, in good repair and free from objectionable odors. Bathrooms shall provide at least 20 foot candles of light. The walls, ceilings and floors of all bathroom facilities shall be kept in good condition.

(b) Bathrooms ~~Public bathrooms~~ shall be completely enclosed and shall have tight-fitting, self-closing doors, except bathrooms located or, in public lodging establishments or ~~bathrooms~~ located outside a public food service establishment, may have entrances and exits constructed in such a manner as to ensure privacy of occupants. Bathroom ~~Such~~ doors shall not be left open except during cleaning or maintenance.

(c) through (d) No change.

(e) ~~Resort condominiums, Non~~ nonpermanent establishments and vacation rentals ~~resort dwellings~~ are exempt from the provisions of this subsection.

(3) Vermin Control – Effective control measures shall be taken to protect against the entrance into the establishment, and the breeding or presence on the premises of rodents, flies, roaches and other vermin. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All windows used for ventilation must be screened, except when effective means of vermin control are used. Screening material shall not be less than 16 mesh to the inch or equivalent, tight-fitting and free of breaks. Pesticides ~~Insecticides or rodenticides~~, when used, shall be used in compliance with Chapter 7, Food Code, as adopted by reference in Rule 61C-1.001 ~~5E-14, F.A.C., herein adopted by reference.~~

(4) No change.

~~(5) All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, F.S., and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., herein adopted by reference.~~

~~(5)(6) All building structural components, attachments and fixtures shall be kept in good repair, clean and free of obstructions.~~

~~(6)(7) Attics, basements, boiler rooms, meter rooms, laundry rooms, and storage rooms shall be kept clean and free of debris and flammables.~~

~~(8) Flammable materials inside an establishment shall be stored in approved type containers (maximum size 5 gallons) and in such a manner as to prevent a fire hazard.~~

~~(9) Fire safety equipment:~~

~~(a) Fire Extinguisher Installation—Fire extinguishers shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers, herein adopted by reference.~~

~~(b) A standard state approved service tag shall be attached to each extinguisher and a person holding a valid state permit issued by the State Fire Marshal shall recharge or inspect the extinguisher and shall prepare the tag to include the information required by Rule 69A-21.241, F.A.C., herein adopted by reference.~~

~~(c) Fire Hose Maintenance—Inspections shall be made every 6 months to assure that the hose is in proper position on the racks and that all of the equipment is in place and in good condition. The hose shall be removed and re-racked at least annually and new gaskets installed in the couplings, both at the hose valves and at the nozzles if necessary. Where couplings are polished, care should be taken to see that polish used does not touch fabric of hose.~~

~~(7)(d) Carbon dioxide and helium tanks shall be adequately secured so as to preclude any danger to safety.~~

~~(8)(e) Specialized Smoke Detectors – Specialized smoke detectors for the deaf and hearing-impaired shall be made available upon request by guests in transient public lodging establishments without charge. Failure of the operator to inform any employee charged with registering guests of the location of such detector constitutes failure to make such detectors available.~~

~~(9)(10) Means of access must permit unobstructed travel at all times and be maintained free of obstructions and fire hazards. Halls, entrances and stairways shall be clean, ventilated and well-lighted day and night. Hall and stair runners shall be kept in good condition. Railways Hand rails shall be installed on all stairways and guard rails around all porches and steps. Adequate means of exit shall be provided pursuant to NFPA 101. Exits shall be clearly marked with approved illuminated exit signs.~~

~~(11) Electrical wiring—To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. No extension cords shall be used except during cleaning, maintenance and other temporary activities. Only a wall switch or approved pull cord shall be permitted in bathrooms. In accordance with the provisions of NFPA 70, the National Electrical Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., sufficient electrical outlets shall be provided.~~

~~(10)(12) Heating and ventilation – The heating and ventilation system shall be kept in good repair or be installed to maintain a minimum of 68 degrees Fahrenheit throughout the building. The insurance inspector’s boiler report is required annually for power boilers and high pressure/high temperature boilers and biannually for low pressure steam or vapor heating boilers and shall be posted in the boiler room. The provisions of this section do not apply to the common areas of vacation rentals classified as resort condominiums.~~

~~(13) Gas appliances—All appliances, including water heaters using gas, shall be kept in good repair and properly vented when manufacturers’ instructions require venting of the appliance and shall meet the following requirements:~~

~~(a) All appliances shall have a nationally recognized testing laboratory seal such as AGA or UL seal.~~

~~(b) Heating appliances shall be properly sized in BTU input for room air space. Proper sizing of heating appliances shall be determined in accordance with the provisions of NFPA 54, the National Fuel Gas Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C.~~

Rulemaking Specific Authority 509.032 FS. Law Implemented 509.032, 509.215, 509.221 FS. History—Amended 2-20-64, 7-14-67, 2-8-69, Revised 2-4-71, Amended 2-17-73, Repromulgated 12-18-74, Amended 9-19-84, Formerly 7C-1.04, Amended 12-31-90, 2-11-92, 2-27-92, 6-15-92, Formerly 7C-1.004, Amended 3-31-94, 10-9-95, 9-25-96, 5-11-98, 7-2-98, 2-24-08, 8-12-08, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-2.009  
 RULE TITLE: Ineligible or Disqualified Jai Alai Player or Racing Animal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the entry of an ineligible or disqualified jai alai player or racing animal.

SUBJECT AREA TO BE ADDRESSED: This proposed rule addresses amendments relating to eligibility requirements for racing animals due to owners’ license status and responsibility of the Racing Secretary to ensure owners are currently licensed prior to entry.

RULEMAKING AUTHORITY: 550.0251(3), 550.105(2)(b), 550.2415(7)(a), (12) FS.

LAW IMPLEMENTED: 550.0251, 550.105, 550.235 FS.

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

DATE AND TIME: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

|            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 61D-4.002  | Evaluating a Permit Application for a Pari-Mutuel Facility |
| 61D-4.004  | Application for Annual Racing License                      |

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to forms for applications for pari-mutuel permits and annual racing licenses.

SUBJECT AREA TO BE ADDRESSED: These proposed rules are amended to appropriately reference revised forms for applications for pari-mutuel permits and annual racing licenses. Revised Form DBPR PMW-3010, Permit Application, removes the reference to Rule 61D-4.001, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01. Revised Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, adds lease agreement information to the form, which eliminates the need for Rule 61D-4.003, F.A.C., identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 550.01215(2), 550.0251(3), 550.054(8)(b), 550.1815(5) FS.

LAW IMPLEMENTED: 550.0115, 550.01215, 550.0251, 550.054, 550.0951, 550.155, 550.1815, 550.5251 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

|            |                                      |
|------------|--------------------------------------|
| RULE NOS.: | RULE TITLES:                         |
| 61D-7.015  | Trifecta and Superfecta Combinations |
| 61D-7.024  | Totalisator Requirements             |

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools, and totalisator reports and requirements.

SUBJECT AREA TO BE ADDRESSED: Amends Rule 61D-7.015, F.A.C., regarding pool calculation and distribution requirements for pari-mutuel wagering activity on trifecta and superfecta combinations by removing the requirement to cap the jackpot of specific amounts, and allowing a shorter period prior to implementation for providing notice to the division. Amends Rule 61D-7.024, F.A.C., to remove obsolete and duplicative requirements for totalisator forms, systems, and reporting, and to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity. The amendment to these proposed rules also removes the reference to Rule 61D-7.017, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 550.0251(3), (7), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251, 550.155, 550.495 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.042  
 RULE TITLE: Accounting and Occurrence Meter Specifications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The amendment to this proposed rule removes the reference to Rule 61D-14.078, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 64E-6.001  | General  |
| 64E-6.002  | Definitions  |
| 64E-6.003  | Permits  |
| 64E-6.004  | Application for System Construction Permit                                 |
| 64E-6.005  | Location and Installation  |
| 64E-6.008  | System Size Determinations   |
| 64E-6.009  | Alternative Systems  |
| 64E-6.010  | Septage and Food Establishment Sludge                                      |
| 64E-6.0101 | Portable Restrooms and Portable or Stationary Holding Tanks                |
| 64E-6.013  | Construction Materials and Standards for Treatment Receptacles             |
| 64E-6.014  | Construction Standards for Drainfield Systems                              |
| 64E-6.015  | Permitting and Construction of Repairs                                     |
| 64E-6.016  | U.S. Department of Agriculture Soil Textural Classification System         |
| 64E-6.017  | Definitions  |
| 64E-6.018  | System Location, Design and Maintenance Criteria                           |
| 64E-6.0181 | Cesspit and Undocumented System Replacement and Interim System Use         |
| 64E-6.025  | Definitions  |
| 64E-6.026  | Applications for Innovative System Permits and System Construction Permits |
| 64E-6.027  | Permits  |
| 64E-6.028  | Location and Installation  |
| 64E-6.030  | Fees   |

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, incorporate modifications proposed through the Technical Review and Advisory Panel, and implement statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Onsite sewage treatment and disposal system design, permitting, construction,

modification, repair and maintenance; septage treatment and disposal; standards for systems in the Florida Keys; and performance-based treatment standards.

RULEMAKING AUTHORITY: 381.0065(3)(a), 489.553 (3), 489.557(1) FS.

LAW IMPLEMENTED: 381.0065, 381.00655, 381.0066, 381.0067, 381.0069, 386.041, 489.552, 489.553, 489.557 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:                                  |
| 64E-16.001 | General                                       |
| 64E-16.002 | Definitions                                   |
| 64E-16.003 | Facility Policies and Procedures              |
| 64E-16.004 | Storage and Containment                       |
| 64E-16.005 | Labeling                                      |
| 64E-16.006 | Generator Requirements                        |
| 64E-16.007 | Treatment                                     |
| 64E-16.008 | Biomedical Waste Transport                    |
| 64E-16.009 | Registration of Biomedical Waste Transporters |
| 64E-16.010 | Inspections                                   |
| 64E-16.011 | Permits                                       |
| 64E-16.012 | Fees  |
| 64E-16.013 | Enforcement and Penalties                     |
| 64E-16.014 | Fees  |
| 64E-16.015 | Enforcement Penalties                         |

PURPOSE AND EFFECT: The purpose of the proposed rule is to update Chapter 64E-16, F.A.C., by incorporating necessary technical changes and modifications which will make it current with industry changes.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Requirements for biomedical waste facilities that generate, transport, store, or treat biomedical waste; definitions; facility policy and procedure requirements; treatment process requirements; registrations; permits and exemptions; and fees.

RULEMAKING AUTHORITY: 381.006, 381.0098 FS.

LAW IMPLEMENTED: 154.06, 381.0098 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gina Vallone-Hood, Bureau of Community Environmental Public Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713 or <http://www.doh.state.fl.us/Environment/community/biomedical/index.html>

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

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

PURPOSE AND EFFECT: The proposed rule amends language for income and resources.

SUBJECT AREA TO BE ADDRESSED: The proposed rule updates the life expectancy table and the average monthly private pay nursing facility rate.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 4, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Janice Elaine Johnson. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Elaine Johnson, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4111, [Janice\\_elaine\\_johnson@dcf.state.fl.us](mailto:Janice_elaine_johnson@dcf.state.fl.us)

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:                   RULE TITLES:  
 69A-37.039                Prescribed Forms for Training and Certification  
 69A-37.065                Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The Department is holding a second workshop for the purpose of exploring options with the public for the implementation of new programs of study and vocational courses relating to standards for Fire Officer Professional Qualifications. The workshop may also include a general discussion of the current Fire Officer Program including length of programs, content of programs, instructor requirements, prerequisite requirements, certification requirements, and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for the Fire Officer Program.

RULEMAKING AUTHORITY: 633.01(1), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34, 633.35, 633.38, 633.45 FS.

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

DATE AND TIME: January 19, 2012, 3:30 p.m. – 4:30 p.m.

PLACE: Ocean Center, 101 North Atlantic Avenue, Daytona Beach, FL 32118

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: Bill Wentlandt at (352)369-2829 or Bill.Wentlandt@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Wentlandt, Assistant Superintendent, Bureau of Fire Standards and Training, Division of State Fire Marshal, Phone (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
 33-208.403                Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language referring to internal management memoranda.

SUMMARY: The proposed rule removes language referring to internal department management memoranda.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

Based on information provided by the Bureau of Substance Abuse, the changes do not affect operations and therefore are not expected to require legislative ratification.

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, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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:

33-208.403 Random Drug Testing of Employees.

(1) through (16) No change.

(17) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) For staff not certified under Section 943.13, F.S.:

1. First-time positive result:

a. All such employees will be given a mandatory referral to the employee assistance program (~~in accordance with Department procedure~~).

b. through c. No change.

d. If the employee refuses to comply with all requirements of the course of treatment recommended by the employee assistance program treatment provider, she/he will be dismissed ~~in accordance with Department procedure~~.

e. No change.

f. If actions by a governing licensure or certification board or body prevent placement into or ongoing employment in the previously held position, the Department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternate position