

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Agricultural Environmental Services**

RULE NO.:                   RULE TITLE:  
5E-1.003                   Labels or Tags

PURPOSE AND EFFECT: The revision dates for forms DACS-13220 and DACS-13203 are being updated to reflect the current form. The forms were revised to incorporate fee increases enacted by the legislature in Section 41, SB 1744 (2009) amending 576.021, F.S.

SUBJECT AREA TO BE ADDRESSED: References to forms to be utilized for Application for Specialty Fertilizer Registration.

RULEMAKING AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.021; 576.031, 576.181 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: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399; (850)488-8731

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Agricultural Environmental Services**

RULE NO.:                   RULE TITLE:  
5E-4.014                   Seed Dealer Registration Fees

PURPOSE AND EFFECT: To provide a reference for the Application for Registration as a Seed Dealer (DACs-13204, Rev. 06/09), not previously referenced in rule language.

SUBJECT AREA TO BE ADDRESSED: The form utilized for the registration of Seed Dealers.

RULEMAKING AUTHORITY: 570.07(23), 578.11(2)(i) FS.

LAW IMPLEMENTED: 578.08(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399; (850)487-8731

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**

RULE NO.:                   RULE TITLE:  
6A-1.0404                   Zero Tolerance for School Related  
Violent Crime

PURPOSE AND EFFECT: The purpose of the rule development is to update the existing rule language to include provisions enacted since the rule was initially adopted. The effect will be a rule that is more clearly defined for school districts to appropriately comply with state zero-tolerance requirements.

SUBJECT AREA TO BE ADDRESSED: Zero Tolerance for School Crime and Victimization.

RULEMAKING AUTHORITY: 1000.03, 1001.02, 1006.07, 1006.09, 1008.345, 1012.797 FS.

LAW IMPLEMENTED: 1006.13 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: August 13, 2009, 10:00 a.m. – 12:30 p.m.

PLACE: Florida Department of Education, 325 West Gaines Street, Suite 1721/1725, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brooks Rumenik, Director, Office of Safe Schools, Florida Department of Education, 325 West Gaines Street, Suite 554, Tallahassee, Florida 32399, (850)245-0749, (850)245-9978 fax, or Brooks.Rumenik@fldoe.org. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**EXECUTIVE OFFICE OF THE GOVERNOR**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
27-10	Direct Support Organization
RULE NOS.:	RULE TITLES:
27-10.001	Direct-Support Organization Function, Bylaws and Services Contract
27-10.002	Governance
27-10.003	Disposition of Funds
27-10.004	Budget
27-10.005	Use of Commission Property and Facilities
27-10.006	Use of Personal Services

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements governing the procedures and operation of direct support organization approved by the Commission.

SUBJECT AREA TO BE ADDRESSED: Procedures and operations of direct support organization approved by the Commission.

RULEMAKING AUTHORITY: 14.29(13), 14.29(9) FS.

LAW IMPLEMENTED: 14.29 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: Tom Linley, 401 South Monroe Street, Tallahassee, FL 32301, e-mail tom@volunteerflorida.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

COMMISSION ON COMMUNITY SERVICE  
DIRECT-SUPPORT ORGANIZATION

27-10.001 Direct-Support Organization Functions, Bylaws and Services Contract.

(1) An organization may request approval of the Commission to become a DSO. The requesting organization must fulfill the requirements of Section 14.29, Florida Statutes.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 14.29, Florida Statutes, and must have Articles of Incorporation and Bylaws that together provide that the:

(a) DSO is organized and operated exclusively to support or benefit the Commission.

(b) Bylaws shall describe the operating procedures and specific individual responsibilities of the DSO's governing board, committees, and officers of the organization.

(c) DSO governing board shall consist of not less than nine members and not more than fifteen members each serving a term of three years.

(d) Members of the DSO's governing board shall be appointed by the Commission; a minimum of two members of the Commission, appointed by the Commission Chairman, shall serve on the DSO's governing board as voting members; a minimum of one Commission member shall serve on the executive board of the DSO governing board.

(e) Director of the DSO shall be selected by the DSO's governing board subject to approval of the Commission; the director of the DSO shall be a direct report to the Commission or a designee reporting directly to the Commission.

(f) DSO shall conduct its business in full compliance with Florida statutes and regulations including the Florida Sunshine Law, Public Records Law, and applicable Florida Administrative Code (FAC) Administrative Rules.

(3) The DSO shall operate under written services contract with the Commission as outlined in Section 14.29(10), Florida Statutes, the contract period shall not exceed three years.

(4) The organization shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(5) The DSO shall have personnel policies consistent with Commission personnel policies.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History--New \_\_\_\_\_.

27-10.002 Governance.

(1) The Commission shall annually review and approve all programs administered by the DSO. The Commission shall evaluate and approve all new programs prior to any informal commitment, formal contract or other legal commitment.

(2) The DSO governing board shall meet quarterly which may include telephonically.

(3) The DSO shall provide to the Commission minutes and supporting documents from all governing board meetings, executive board meetings, committee meetings and advisory board meetings within 30 days of the meetings.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History--New \_\_\_\_\_.

27-10.003 Disposition of Funds.

If the Commission determines that the DSO is no longer complying with the Services Contact and in a manner consistent with the goals and purposes of the Commission and in the best interest of the state, the Commission may decertify the DSO and thereafter the organization may not use the name of or any trademarked names of the Commission. Decertification shall include a plan for disposition of the DSO's assets and liabilities in accordance with Section 14.29(10)(d), Florida Statutes.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History–New \_\_\_\_\_.

27-10.004 Budget.

(1) The DSO shall have the authority to amend its budget. Budget amendment requests for more than 10% of the total amount of the annual budget or more than \$50,000 shall require the approval of the DSO’s governing board and the Commission.

(2) The DSO shall provide for an annual audit in accordance with Section 215.981, F.S., which shall be submitted to the Commission for review and approval.

(3) The DSO shall provide for compliance and/or operational audits when directed by the Commission; the scope of audit shall be approved by the Commission or designee.

(4) The DSO shall prepare and submit to the Commission monthly expense reports.

(5) The DSO shall prepare and submit to the Commission quarterly expenditure plans that separately delineate planned actions which represent a significant commitment of the resources of the DSO, including:

(a) Major fund raising events, grants, and campaigns and their purpose.

(b) Other major commitments of the resources of the organization.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History–New \_\_\_\_\_.

27-10.005 Use of Commission Property and Facilities.

(1) The DSO may lease office space from the Florida Department of Management Services or another entity. The lease agreement shall be between the DSO and the lessor. Payment for leased space is the responsibility of the DSO.

(2) The Commission and the DSO may share facilities. The DSO’s use of the Commission’s facilities and vice versa shall be with the approval of the organization holding the lease on said space.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History–New \_\_\_\_\_.

27-10.006 Use of Personal Services.

The Commission and the DSO may share personal services. Personnel sharing costs shall be in compliance with funding sources and a written personnel sharing agreement.

Rulemaking Authority 14.29(13), 14.29(9) FS. Law Implemented 14.29 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE NO.: 58C-1.0031                      RULE TITLE: Lead Agency Dispute Resolution

PURPOSE AND EFFECT: The purpose of the proposed amendments to the rule is to add language for clarification; delete the phrase “stop the solicitation...process”; amend the minimum requirements for decisionmaker; and include language which delineates the party responsible for the costs involved in dispute resolution proceedings.

SUBJECT AREA TO BE ADDRESSED: The rule amendments develop a standard for determining the party responsible for the costs involved in dispute resolution proceedings; amend the minimum qualifications for decisionmaker; delete the phrase “stop the solicitation...process”; and include additional clarifying language.

DOEA Form CCE-001, CCE Impartial Decisionmaker Application, incorporated by reference in the rule, is available on the following website under the heading “Community Care for the Elderly, Rule 58C-1.0031, F.A.C., CCE Lead Agency Dispute Resolution”:

<http://elderaffairs.state.fl.us/english/rulemaking.php>.

RULEMAKING AUTHORITY: 430.203(9)(a) FS.

LAW IMPLEMENTED: 430.203(9)(a) FS.

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

DATE AND TIME: August 19, 2009, 9:30 a.m. – 1:00 p.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone number: (850)414-2000. Email address: [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.org). 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 IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone number: (850)414-2000. Email address: [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58C-1.0031 follows. See Florida Administrative Code for present text.)

58C-1.0031 Lead Agency Dispute Resolution.

(1) AREA AGENCY ON AGING PROCEDURES.

(a) In order to meet the requirement set forth in Section 430.203(9)(a)1., F.S., an area agency on aging must specify in its request for proposal that the notice of intent to award will be published in the same manner as the request for proposal was published.

(b) In addition, an area agency on aging (AAA) must comply with the bid process standards set forth in Section 430.203(9)(a), F.S., and this rule.

(c) The AAA must post the notice of intent to award pursuant to paragraph (a) of this subsection upon selection of a lead agency or lead agencies. This notice must include information that substantially affected parties will have an opportunity to request a hearing challenging the proposed action and instruction on how to request a hearing. The notice must also include the following statement: "Failure to file a notice of protest as described in subsection (4) of Rule 58C-1.0031, Florida Administrative Code (F.A.C.), shall constitute a waiver of proceedings under Rule 58C-1.0031, F.A.C."

(2) IMPARTIAL DECISIONMAKERS.

(a) Upon the effective date of this rule, the AAA must solicit and maintain a registry of impartial decisionmakers. The decisionmaker must meet the minimum qualifications below:

1. Be a member in good standing of The Florida Bar;

2. Have at least 5 years experience in the practice of administrative law, preferably with experience in government procurement procedures;

3. Have not been directly involved, or have any family member who was directly involved, in the intended award of the bid under protest; and

4. Not be currently employed by, or have a family member currently employed by, the AAA awarding the bid, or any lead agency or other agency that has filed a bid for lead agency designation with the AAA awarding the bid; and

5. Not have any other conflict of interest that would affect the decisionmaker's impartiality in the specific proceedings.

(b) Individuals interested in designation as an impartial decisionmaker must complete DOEA Form CCE-001, CCE Impartial Decisionmaker Application, \_\_\_\_\_, 2009, which is hereby incorporated by reference. The form may be obtained from the following website: <http://elderaffairs.state.fl.us/english/ruleforms/CCE-001.doc>.

(3) STANDARDS FOR BID PROTEST.

(a) In a protest to the notice of award, the following shall apply:

1. No submissions made after the bid or proposal opening that amend or supplement the bid or proposal shall be considered.

2. The burden of proof shall rest with the party protesting the proposed AAA intent to award.

(b) In a protest, the decisionmaker must conduct a de novo proceeding to determine whether the AAA's proposed action is contrary to its governing statutes or rules, or to the solicitation specifications. The standard of proof for the protestor must be whether the AAA's action was clearly erroneous, contrary to competition, arbitrary or capricious.

(4) PROTESTING PARTY PROCEDURES.

(a) Any party who is substantially affected by the AAA's intended decision to award a contract for lead agency must file a written notice of protest with the AAA within 72 hours after the posting of the notice of award, excluding weekends and state holidays. A substantially affected party is any party who bid on the AAA's request for proposal for designation as a lead agency.

(b) A formal written protest must be filed within 10 calendar days after the date the notice of protest is filed, unless the 10th day falls on a weekend or state holiday, in which case the deadline shall be the next business day.

(c) The formal written protest must state, with particularity, the facts and law upon which the protest is based.

(d) Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings.

(e) If any substantially affected party, decides to participate in the protest proceedings, that party must give notice within 3 business days of the posting of the initial notice of protest by the AAA.

(5) PROCEDURES FOR BID PROTEST.

Upon receipt of a timely filed notice of protest, the AAA must take the following steps:

(a) Stop the contract award process until the subject of the protest is resolved by final action as required by Section 430.03(9)(a)2., F.S.

(b) Immediately post the notice of protest in the same manner as the notice of intended award was posted.

(c) Select an impartial decisionmaker as required by Section 430.203(9)(a), F.S., from the registry referenced in subsection (2) of this rule.

1. The decisionmaker must be randomly selected.

2. The AAA must immediately provide the protesting party with the name of the appointed impartial decisionmaker.

3. If the protesting party has an objection to the selected decisionmaker, the protesting party must raise the objection in writing with the AAA within 48 hours, excluding weekends and state holidays, or the objection is deemed to be waived. However, if any party or the decisionmaker later discovers that the decisionmaker has a conflict of interest, the party may raise

that objection in writing to the AAA within 48 hours of acquiring knowledge of the conflict, excluding weekends and state holidays, or the objection is deemed to be waived.

4. Upon receipt of a timely objection, the AAA must randomly select another decisionmaker.

(d) Provide an opportunity to resolve the protest by mutual agreement between the parties within 7 days, excluding weekends and state holidays. If the subject of a protest is not resolved by mutual agreement within the time frame set forth in this paragraph, a proceeding must be conducted as set forth in subsection (6) of this rule.

#### (6) DISPUTE RESOLUTION.

(a) If the protest is not resolved pursuant to paragraph (5)(d) of this rule, the impartial decisionmaker must commence a hearing within 30 calendar days after the AAA receives the formal written protest, unless the 30th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. The provisions of this subsection may be waived only upon stipulation by all parties.

(b) In addition to the provisions included in Section 430.203(9)(a)3., F.S., which outline the rights of all substantially affected parties, the following procedures shall apply:

1. In any bid protest, the service of discovery may begin immediately upon filing of the formal written protest. Responses shall be due within 5 business days of receipt, not counting the day of receipt of any discovery requirement.

a. All discovery must be concluded at least 48 hours prior to the scheduled hearing date.

b. All discovery requests must be commenced in a manner that allows discovery to be concluded at least 48 hours prior to the scheduled hearing.

2. The decisionmaker shall have the authority to issue subpoenas.

3. All depositions must have at least 3 business days notice.

4. If a party fails to comply with the discovery rules provided herein, the decisionmaker must exclude such evidence from the hearing, unless just cause is shown as specified in subparagraph (d)1. of this subsection.

5. Should any party be prejudiced by another party's failure to provide discovery, the decisionmaker may continue the hearing for a period not to exceed 5 business days. The non-complying party must comply with the requested discovery within 48 hours after the decision to continue the hearing.

(c) The decisionmaker must render a written decision within 30 calendar days after the hearing if no transcript of the proceedings is requested, or within 30 days after receipt of the hearing transcript by the decisionmaker. If the 30th day falls on a weekend or state holiday, the deadline shall be the next business day. The provisions of this paragraph may be waived only upon stipulation by all parties.

1. The written decision must include findings of fact and conclusions of law. Based on these findings and conclusions, the decisionmaker may affirm or reject the AAA's intended award.

2. If the decisionmaker rejects the AAA's intended award, the AAA must award the designation of lead agency to the next highest scoring party.

3. If the decisionmaker finds that the procurement was flawed only by scoring errors, the AAA must correct such errors.

4. If the decisionmaker finds that the entire procurement was fundamentally flawed and that no intent to award is appropriate, the AAA must reject all bids and begin the procurement process again.

(e) A default must be entered against a party who:

1. Fails to appear at a hearing as directed by the decisionmaker, unless at least one of the following conditions exists:

a. Illness of a party, witness or attorney that would prevent attendance at the hearing;

b. An act of God that would prevent attendance at the hearing.

c. A designated threat to public safety that would prevent attendance at the hearing; or

d. Any other circumstance in the opinion of the decisionmaker that would warrant a continuance of the hearing.

2. Fails to comply with discovery after being granted a continuance as provided in subparagraph (b)5. of this subsection.

(e) An entry of default against a party is deemed the final decision of the decisionmaker and is not subject to the provision of subsection (7) of this rule.

#### (7) REVIEW OF DECISION.

(a) Pursuant to Section 430.203(9)(a), F.S. in the event a party requests a review of the decision by the decisionmaker, the party must utilize one of the entities referenced in subparagraphs 1. and 2. of this paragraph for this review:

1. An arbitrator with the American Arbitration Association. The arbitrator must have experience with government contracts. Contact information for the association is American Arbitration Association, Bank of America Tower at International Place, 100 S.E. 2nd Street, Suite 2300, Miami, FL 33131, telephone number (305)358-7712.

2. A circuit court civil mediator certified by the Florida Supreme Court, who has experience with government contracts. Contact information for the Florida Supreme Court Dispute Resolution Center is [http://199.242.69.70/pls/drc/drc\\_main\\_screen](http://199.242.69.70/pls/drc/drc_main_screen).

(b) This action must be taken within 10 calendar days after the date of the decision from the decisionmaker.

(c) The review shall not be a de novo proceeding, but only a review of the decision based on the record from the hearing.

(d) The written decision of the reviewer must be made within 30 calendar days after the request for review, unless the 30th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. The decision shall be binding upon all parties.

(8) COSTS ASSOCIATED WITH DISPUTE RESOLUTION.

The costs of the dispute resolution proceedings reference in this rule shall be borne by the non-prevailing party. The following are examples of costs associated with these proceedings:

(a) Decisionmaker and reviewer fees and travel, lodging and per diem;

(b) Court reporter fees and travel, lodging and per diem;

(c) Attorney fees;

(d) Witness fees and travel, lodging and per diem;

(e) Supplies, equipment, postage, photocopying and telecommunication;

(f) Staff time for research and photocopying of materials related to discovery, and managing tasks and timelines associated with the dispute resolution proceedings;

(g) Hearing room and equipment rentals associated with the hearing process; and

(h) Other costs directly associated with the dispute resolution process.

Rulemaking Authority 430.203(9)(a) FS. Law Implemented 430.203(9)(a) FS. History--New\_\_\_\_\_, Amended\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: RULE TITLE:

61G3-19.011 Barbershop Requirements

PURPOSE AND EFFECT: To address cleanliness issues in the barbershop.

SUBJECT AREA TO BE ADDRESSED: Barbershop Requirements.

RULEMAKING AUTHORITY: 476.064(4), 477.016 FS.

LAW IMPLEMENTED: 476.184, 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-19.011 Barbershop Requirements.

(1) through (22) No change.

(23) If a licensed barbershop employs a licensed cosmetologist or allows a licensed cosmetologist to practice cosmetology in said barbershop, the barbershop shall comply with subsection (2) of Florida Administrative Code Rule 61G5-20.002, F.A.C., which is incorporated herein by reference.

(24) Any barbershop that employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services in the barbershop must display the license of the person performing or practicing cosmetology or specialty services in a conspicuous place within the barbershop and the license must be clearly visible upon entering the barbershop.

(25) The barbershop will display a legible copy of the most recent inspection sheet for the barbershop in a location that is clearly visible to the general public.

(26) Any barbershop that employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services shall require and ensure that all individuals engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping or body wrapping display at his or her work station his or her current license or registration at all times when he or she is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated as of July 1, 2007.

(27) All barbershops who employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services shall require and ensure that the individuals performing or practicing cosmetology or specialty services are in compliance with Rule 61G5-20.004, F.A.C.

(28) A failure to comply with this rule or any part of this rule is a violation of Rule 61G3-21.002, F.A.C.

Rulemaking ~~Specific~~ Authority 476.064(4), 477.016 FS. Law Implemented 476.184, 477.025 FS. History--New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00, 11-6-00, 8-17-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
 61G15-23.001               Seals Acceptable to the Board  
 PURPOSE AND EFFECT: To update requirements for the seal.  
 SUBJECT AREA TO BE ADDRESSED: The Board proposes to update requirements for the seal.  
 RULEMAKING AUTHORITY: 471.008, 471.025 FS.  
 LAW IMPLEMENTED: 471.025 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
 64B19-11.010               Limited Licensure  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Limited Licensure Application form.  
 SUBJECT AREA TO BE ADDRESSED: Limited licensure application form.  
 RULEMAKING AUTHORITY: 456.015(1),(4), 490.004(4) FS.  
 LAW IMPLEMENTED: 456.015, 490.009(1)(p) 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
 64B19-11.011               Provisional License; Supervision of Provisional Licensees  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Provisional License form.  
 SUBJECT AREA TO BE ADDRESSED: Provisional license form.  
 RULEMAKING AUTHORITY: 456.013, 490.003(6), 490.004(4), 490.0051 FS.  
 LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
 64B19-11.012               Application Forms  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Application Form.  
 SUBJECT AREA TO BE ADDRESSED: Application form.  
 RULEMAKING AUTHORITY: 490.004(4) FS.  
 LAW IMPLEMENTED: 490.005, 490.006(1)(b) 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64J-1.001	Definitions
64J-1.004	Medical Direction
64J-1.008	Emergency Medical Technician
64J-1.009	Paramedic
64J-1.014	Records and Reports
64J-1.020	Training Programs

**PURPOSE AND EFFECT:** The purpose and effect of the two day rule workshop is the following: mandate that Florida licensed EMS agencies reporting incident level data reporting to the Bureau of EMS meet the requirements for aggregate data reporting and incorporate the requirements for incident level data reporting and protection of the incident level data which will have the effect of allowing for Florida licensed EMS agencies to satisfy their reporting requirements with either the aggregate data or the incident level data in a manner that maintains protection under Sections 401.30 and 401.425, F.S.; to create a rule that allows emergency medical technicians working for Advanced Life Support agencies to use glucometers which will have the effect of allowing the Advanced Life Support Medical Directors to assume the responsibility for the use of a glucometer by an EMT and improve the care given to patients in the prehospital setting; to ensure EMTs and paramedics are trained in pediatric education every two years which will have the effect of improving and expanding pediatric prehospital care; to create rule that defines the portion/percentage of the ALS field internship that may be done on an Advanced Life Support permitted vehicle other than an ambulance which will have the effect of expanding the opportunities to certify prehospital care givers in a more efficient manner while maintaining the integrity of education in the prehospital care setting; and to review the Certificate of Public Convenience and Necessity declaratory statement final order dated March 12, 2009, A, B, and C under the "Conclusions of Law" section to determine if rule can be structured from that portion.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas for August 13 workshop: EMSTARS/Aggregate Reporting; Glucometer/EMT Skills; EMS for Children Pediatric Education for EMTs and Paramedics.

Subject areas for the August 14 workshop: Paramedic Internship Ride Times on ALS Vehicles (other than ambulances) and Certificate of Public Convenience and Necessity.

**RULEMAKING AUTHORITY:** 401.23(7), 401.2701(1)(a)6., (b)2., 401.30, 401.35 FS.

**LAW IMPLEMENTED:** 401.23(7), 401.25(2)(d), 401.2701(1)(a)6., (b)2., 401.27(6)(a), 401.30, 401.425 FS.

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

**DATES AND TIMES:** Thursday, August 13, 2009, 8:30 a.m. – 4:00 p.m.; Friday, August 14, 2009, 8:30 a.m. – 4:00 p.m.

**PLACE:** Orange County Emergency Operations Center, 6590 Amory Court, Winter Park, FL 32792, Phone to facility: (407)894-4141

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

**Toll free conference number:** 1(888)808-6959; **Conference code:** 1454440

All drafts, agendas, and/or documents related to these workshops can be found on the "Legislation and Rules" page on the Bureau of EMS website at: <http://www.fl-ems.com>

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 2 days before the workshop/meeting by contacting: Alexander Macy, Bureau of EMS, phone: (850)245-4440 ext. \*2735 or email at: [Alexander\\_Macy@doh.state.fl.us](mailto:Alexander_Macy@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lisa M. Walker, Government Analyst II, Bureau of EMS, phone: (850)245-4440 ext. \*2733, email: [Lisa\\_Walker2@doh.state.fl.us](mailto:Lisa_Walker2@doh.state.fl.us), fax: (850)488-9408, or mailing address: 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399

**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**

**Domestic Violence**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65H-1.001	Certification
65H-1.002	Procedures for Funding
65H-1.003	Standards for Certification
65H-1.004	Confidentiality
65H-1.005	Evaluation

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to incorporate Governor Crist's plain language initiative, clarify current rules, revise funding procedures, and provide for substantive changes, such as add purpose and definitions.

**SUBJECT AREA TO BE ADDRESSED:** Minimum standards and procedures for the certification of domestic violence centers.

**RULEMAKING AUTHORITY:** 39.903 FS.

**LAW IMPLEMENTED:** 39.905 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: August 3, 2009, 3:30 p.m. EST  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida

Written comments may also be submitted, in writing, no later than August 17, 2009 to: Renee C. Starrett, Office of Domestic Violence Program, Department of Children and Families, 1317 Winewood Boulevard, Building 3, Room 330, Tallahassee, Florida 32399-0700 or renee\_starrett@dcf.state.fl.us.

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: Renee C. Starrett, renee\_starrett@dcf.state.fl.us, (850)921-4766. 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: Renee C. Starrett, renee\_starrett@dcf.state.fl.us; (850)921-4766

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

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### Florida School for the Deaf and the Blind

RULE NO.:                   RULE TITLE:  
 6D-4.003                   Business Manager

PURPOSE AND EFFECT: Repeals rule no longer needed as substance is incorporated in the Statement of Agency Organization.

SUMMARY: Repeals rule. Substance is in Statement of Agency Organization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

DATE AND TIME: Friday, August 21, 2009, 1:00 p.m.  
 PLACE: Center for Leadership and Development, Moore Hall, Florida School for the Deaf and the Blind, St. Augustine, 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 48 hours before the workshop/meeting by contacting: L. Daniel Hutto, President. Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084. 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: Elaine Ocuto

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-4.003 Business Manager.

Rulemaking Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History—New 12-19-74, Amended 10-29-84, 9-8-85, Formerly 6D-4.03, Amended 8-26-88, 12-6-92, 5-14-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elaine Ocuto

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: L. Daniel Hutto, President

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2009

### DEPARTMENT OF EDUCATION

#### Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-5.002	Principal for the Deaf and Principal for the Blind, Administrator of Instructional Programs, Curriculum and Staff Development and Administrator of Residential Programs

PURPOSE AND EFFECT: Repeals rule no longer needed as substance is incorporated in the Statement of Agency Organization.

SUMMARY: Repeals rule. Substance is in Statement of Agency Organization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.