

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-5.007      RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to eliminate the requirement of legal review of citations prior to issuance by removing subsection (3) from Rule 64B32-5.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 456.077 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 Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-2.001      RULE TITLE: Licensure Requirements

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the application for licensure.

SUBJECT AREA TO BE ADDRESSED: The application for licensure as an athletic trainer.

RULEMAKING AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**Section II  
Proposed Rules**

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NO.: 2A-8.005      RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The following is a summary of the Statement of Estimated Regulatory Costs:

1. The proposed rule allows for the statutory required adjustment in the death benefit paid to survivors of law enforcement officers.
  2. The rule change affects any governmental entity required to pay the benefit which will range from \$60,823.16 to \$182,469.37 per officer death. There are no revenue changes.
  3. The rule decreases the amount of the death benefit paid to survivors of deceased law enforcement officers by the Consumer Price Index published for March 2010, as required by Section 112.19(2)(j), Florida Statutes.
  4. There are no additional transactional costs that will be incurred by any person or entity as a result of the rule change.
  5. The impact for small businesses such as funeral homes and services utilized by the survivors of the law enforcement officer will be positive because additional revenue will be available to those sources. The impact will be negative for small counties and cities that have to pay the death benefit, and it might take revenue that would otherwise be spent elsewhere.
- The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, at the address listed below.

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: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2010 increased 2.3 percent ~~2009 decreased 0.4~~. Therefore, the statutory amount for the period July 1, 2010 ~~2009~~ through June 30, 2011 ~~2010~~, is:

- (a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$60,823.16~~ ~~\$59,455.68~~.
- (b) For those benefits paid or to be paid under paragraph (b) of Subsection (2); ~~\$60,823.16~~ ~~\$59,455.68~~.
- (c) For those benefits paid or to be paid under paragraph (c) of Subsection (2); ~~\$182,469.37~~ ~~\$178,366.96~~.

Rulemaking Authority 112.19 FS. Law Implemented 112.19 FS. History--New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08, 7-20-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bill Stewart, Deputy Chief of Staff  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

**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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.210  
 RULE TITLE: Custody Classification  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the procedures for custody classification assessment and review.  
 SUMMARY: The proposed rule clarifies the procedures by which an inmate's classification is assessed and reviewed.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 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, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.210 Custody Classification.

(1) Facility Assignments.

(a) A mission description shall be prepared for each facility of the Department of Corrections to which an inmate can be assigned. The mission description shall be based upon such factors as staffing patterns, perimeter security, construction features, electronic monitoring capability, type of health services provided, available programs, and any other factors that ~~which~~ may affect the security and safety of the staff, inmates, or the general public. The mission descriptions shall be used to aid in the assignment of inmates to facilities in a manner which will best enable the department to maintain security and order. Inmate evaluation and facility assignment shall be based upon such factors as nature and severity of offense, characteristics of sentence, criminal history, age, ~~and~~ health status, and any other factor relating to the security and order of the institution or the security and safety of the general public. An inmate shall be assigned to a facility that can provide appropriate security and supervision, that can meet the health needs of the inmate as identified by the department's health services staff, and, to the extent possible, can meet the inmate's need for programs and is near the location of the inmate's family. The Secretary ~~secretary~~ may modify the mission of any facility to meet changing needs in response to changes in population characteristics, or in the event of riot, emergency conditions, or other circumstances affecting security and safety of the general public, staff, and inmates.

(b) Inmates who have been committed under the Youthful Offender Act shall not be placed at a non-youthful offender institution except under the following circumstances:

1. The ~~If the~~ youthful offender is convicted of a new crime that ~~which~~ is a felony under the laws of this state;
2. The ~~If the~~ youthful offender becomes such a serious management or disciplinary problem as to render his assignment to the youthful offender program detrimental to the program and to other youthful offender inmates assigned thereto;

3. ~~The If the~~ youthful offender needs medical treatment, health services, or other specialized treatment otherwise not available at the youthful offender institution or facility;

4. ~~The If the~~ department determines that the youthful offender should be transferred outside of the state correctional system, as provided by law, for services not provided by the department; or

5. ~~Bed If bed~~ space is not available in a designated community facility. In such case, the youthful offender shall be separated, insofar as is practicable, from other offenders.

(2) Custody Grade Classification.

(a) Each inmate shall be placed in one of the five custody grades: community, minimum, medium, close, or maximum.

(b) Information from all available sources shall be used to complete an automated custody classification questionnaire ~~Classification Questionnaire~~. The questionnaire shall reflect the degree of supervision appropriate for the inmate.

(c) No change.

(d) The custody grade resulting from an inmate's score may be modified if circumstances indicate the need for an exception. The specific reason for the modification shall be explained in the automated system. Reasons for increasing or decreasing the custody grade might, in appropriate cases, include one of the following comments with proper explanation:

1. through 4. No change.

5. Community and public interest concerns (i.e., judge's or prosecutor's recommendation, victim/victim family interest, legislative inquiry, law enforcement interest, executive inquiry, personal notoriety, case notoriety, ~~etc.~~).

a. Family environment (no family ties, strong family ties, married/head of household, crime history in family, family desertion, family transience, ~~etc.~~).

b. No change.

6. No change.

7. Status prior to sentencing (i.e., high bond, bond forfeiture, release on bond, jail adjustment, ~~etc.~~).

8. No change.

(e) through (g) No change.

(h) Except for the offenses listed below, any inmate who is convicted or has been previously convicted or adjudicated delinquent for any crime where a sex act was intended, attempted, or completed shall not be eligible for assignment to community or minimum custody status unless he has previously successfully completed the mentally disordered sex offender program prior to the repeal of Chapter 917, F.S.:

1. through 6. No change.

(i) Any inmate who has been certified as a mentally disordered sex offender pursuant to Chapter 917, F.S., shall not be assigned to minimum custody status unless he has ~~they have~~ successfully completed the mentally disordered sex offender program.

(j) Any inmate who has been designated as an alien by the department, who has been in the custody of the department less than six months, and:

1. through 2. No change.

3. For whom a ~~A~~ decision has been made to deport, shall not be assigned to lower than close custody status.

(k) No change.

(l) The Chairperson of the State Classification Office may approve an inmate listed in paragraph (k) for lower custody after consideration of the following criteria:

1. through 6. No change.

7. Whether the inmate poses a threat to the public.

8. through 10. No change.

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical needs or inmates who are elderly and have special needs that ~~which~~ may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements, and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Office, the Americans with Disabilities Act Coordinator, and the Impaired Inmate Coordinator for Health Services. Committee decisions shall be reviewed by the Secretary ~~secretary~~.

(4) Progress Assessments.

(a) No change.

(b) Assessments shall be periodically prepared for the purpose of:

1. Recording the inmate's adjustment to the institution ~~and treatment program~~.

~~2. Recording changes of program that have taken place.~~

~~2.3.~~ Evaluating the inmate's potential future adjustment.

~~3.4.~~ Establishing positive adjustment ~~Making recommendations for program changes, establishing goals and motivating the inmate to achieve those the goals.~~

5. Providing ~~Provide~~ the inmate with an opportunity to become involved in assessing his progress needs and in stating his work and program interests ~~selecting programs to meet those needs.~~

a. Periodic assessments will record the inmate's program interests.

b. Program goals and placements will be based on the needs assessments tool and within the parameters of that tool.

(c) All inmates are required to appear for assessments and reviews unless a permanent medical condition makes them incapable of participating and the reason is documented in the review. Under any other circumstances, the assessment and review shall be rescheduled if the inmate fails to appear or is temporarily unavailable to attend as scheduled. An inmate shall be notified a minimum of forty-eight hours in advance of an assessment and review unless the inmate waives such notice in writing. All inmates shall be scheduled for assessments at least every 12 months, and reviews as follows:

~~1. Inmates with three years or less remaining to serve shall receive an assessment and review every six months;~~

~~2. Inmates with more than three years remaining to serve shall receive an assessment and review every twelve months;~~

~~3. Inmates with life sentences with no parole, life sentences with no established release date, or death sentences will receive an assessment and review every twenty four months. At the point where a parole release date is established in these cases the schedule of progress reports shall be in accordance with subparagraphs 33-601.210(4)(c)1. and 2., F.A.C.~~

~~4. Close management, work release and transition plan documentation may be substituted for the required assessments.~~

(d) through (e) No change.

(f) In preparing assessments, care should be taken that all pertinent facts are included to insure that all up-to-date information concerning changes in an inmate's activity are documented. Additionally, any new recommendations of the committee in regard to inmate goals should be carefully documented and supporting facts included. ~~If at the time of the review the inmate is being recommended for work release, the Form DC6-127, Checklist for Transfers to Work Release Centers will suffice for the assessment. Form DC6-127 is incorporated by reference in Rule 33-601.602, F.A.C.~~

(g) An assessment and review will be completed on all transfers by the receiving facility transfer recommendations ~~except as authorized by a member of the State Classification Office.~~ Movement from one location to another on a temporary basis does not require an assessment and review.

(h) An assessment and review shall be prepared whenever an inmate is being recommended for parole ~~or for permanent transfer to another institution. When an inmate is transferred on an emergency basis and there is insufficient time to prepare an assessment and review, a written statement will be included in the inmate record outlining the emergency situation and any pertinent security or medical problems. An assessment and review from the sending institution should be forwarded to the receiving institution as soon as possible.~~

(i) All recommendations for a transfer to another facility, ~~or~~ to a contract drug treatment program, or for work release shall require the approval of the State Classification Office.

(j) At the time of the first assessment and review, should the inmate record not contain either a pre-sentence or post-sentence investigation, the classification officer is responsible for requesting such documents from the Probation and Parole Services Office in the region from which the inmate was committed. Care should be exercised to ensure that at least sixty (60) days have ~~has~~ lapsed since the post-sentence investigation was originally requested prior to making this follow-up.

(k) No change.

(l) Assessments and reviews may contain recommendations for the setting of sentences pursuant to Section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the recommendation. Such recommendations should be based on all information concerning the inmate that ~~which~~ is available to the team.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review setting forth the basis for recommending a change in the PPRD. All assessments and reviews containing parole recommendations will be reviewed and approved or disapproved by the Institutional Classification Team and forwarded to the State Classification Office for approval or disapproval. The assessment and review shall then be submitted to the Chief of the Bureau of Classification and Central Records who, on behalf of the Secretary ~~secretary~~, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, Formerly 33-6.009, Amended 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00, 2-25-07, 11-4-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Hancock, Assistant Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Walter McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-9.021	Definitions
40B-9.042	Inholding and Addition Property
40B-9.081	Disposition of Surplus Real Property
40B-9.131	Public Use of District Lands
40B-9.1381	Prohibited Activities
40B-9.139	Use Fees

**PURPOSE AND EFFECT:** The purpose of this proposed rule is to amend several sections of Chapter 40B-9, Florida Administrative Code, to clarify language in the existing rule; incorporate a Public Use Guide by reference; add language regarding specifically allowed and prohibited uses on District lands; incorporate a use fee schedule by reference; and repeal of the existing provision concerning acquisition of “Inholding and Addition Property.”

**SUMMARY:** The proposed amendments include changing the defined term “District lands” to “District real property” in the land acquisition portion of the rule; incorporating by reference the District’s Public Use Guide; clarifying where equestrian uses of District lands are allowed; adding an exception clause to the prohibited activities section for activities authorized by a management agreement or lease or conducted by the District; adding a new section which incorporates by reference a “Public Use Fee Schedule” for use of District lands; and repealing existing language governing the acquisition of “Inholding and Addition Property.”

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** With the exception of the proposed new use fees rule, the proposed changes to Chapter 40B-9, F.A.C., will not economically impact individuals and entities, including other governmental agencies, because they are non-substantive. Since the rule does not mandate use of any facilities for which a fee will be charged, any impacts from that provision will be voluntarily assumed. Small businesses that wish to use those facilities on District lands for which the District charges a use fee will be required to pay such fees in accordance with the adopted schedule. The types of individuals and entities that are likely to be affected by the proposed rule are primarily rural and agricultural land owners, and recreational users of District-owned property. With regard to land acquisition, the proposed changes will have no substantive effect. The transactional costs likely to be incurred by individuals and entities required to comply with the new rule should be negligible.

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:** 373.044, 373.083, 373.113, 373.139, 373.1391, 373.171 FS.

**LAW IMPLEMENTED:** 259.01, 270.11, 373.056, 373.089, 373.093, 373.096, 373.099, 373.103, 373.139, 373.1391, 373.1401, 373.59 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Gwen Lord at (386)362-1001

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40B-9.021 Definitions.

(1) through (4) No change.

(5) “District real property lands” means any fee simple interest or other interest in real property titled to the District.

(6) “District lease” means the granting of either an exclusive or non-exclusive use of or interest in District real property lands for a specified period of time.

(7) through (13) No change.

Rulemaking Specific Authority 373.044, 373.083, 373.139 FS. Law Implemented 259.01, 373.103, 373.139, 373.59 FS. History—New 3-1-83, Amended 4-1-93, 5-31-09,\_\_\_\_\_.

40B-9.042 Inholding and Addition Property.

~~(1) The procedures in this section apply to offers of real property containing 40 acres or less.~~

~~(2) The District will consider purchasing parcels less than 40 acres in size if they are contiguous with existing District ownership and either:~~

~~(a) Provide additional protection for natural resources, or~~

~~(b) Improve the District’s ability to manage its lands.~~

~~(3) In addition to qualifying under subsection 40B-9.042(2), F.A.C., above, the following conditions must be met:~~

~~(a) The fee owner of the property must control at least 50% of the mineral interests unless the outstanding royalty rights or interests are held by the State of Florida or the federal government;~~

~~(b) The property may not be subject to any current or future assessments by a homeowners association or other similar entity.~~

~~(c) The total asking price must be less than \$100,000.~~

~~(4) Upon determining that the offer meets the criteria and conditions in subsections 40B-9.042(2) and (3), F.A.C., above, Staff shall:~~

~~(a) Obtain a form or letter appraisal from the District's Land Acquisition Specialist or from a state certified general appraiser; and~~

~~(b) Submit an offer at an amount not to exceed the appraised fair market value with an option approved by District legal counsel to the landowner.~~

~~(5) If the offer is accepted by the landowner, the District will conduct a public hearing at which the proposed purchase will be presented for Governing Board approval.~~

Rulemaking Specific Authority 373.044, 373.083, 373.139 FS. Law Implemented 373.013, 373.089, 373.139, 373.59 FS. History--New 5-31-09, Repealed \_\_\_\_\_.

**40B-9.081 Disposition of Surplus Real Property Land.**

~~(4) The District may sell or exchange District real property lands considered surplus in accordance with Section 373.089, F.S.~~

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 270.11, 373.089, 373.103, 373.139, 373.59 FS. History--New 3-1-83, Amended 5-26-88, 5-31-09, \_\_\_\_\_.

**40B-9.131 Public Use of District Lands.**

(1) The District shall publish and make available to the public a "Public Use Guide" dated July 14, 2009, which summarizes allowed activities and use restrictions for each District property or land. The District's Public Use Guide is hereby incorporated by reference. Copies of the Public Use Guide may be obtained at the District headquarters or at the District's website: www.mysuwanneriver.com.

(2) through (3)(e) No change.

~~(f) Horseback riding is Equestrian and other saddle animals, including those for use with nonecommercial horse drawn carriages and buggies, are allowed on all District lands on marked equestrian trails and on all roads open to any public use on roads open to public motorized vehicles and all equestrian trails except where such use is specifically prohibited by signage. Animal-drawn vehicles, such as wagons and buggies, are allowed on all public roads on District lands open to motorized vehicles. The person responsible for bringing equine a saddle animal onto District lands must have unexpired current, written proof of a negative Coggins test result for each animal.~~

(g) through (n) No change.

Rulemaking Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.093, 373.099, 373.1401 FS. History--New 4-1-93, Amended 5-31-09, \_\_\_\_\_.

**40B-9.1381 Prohibited Activities.**

The following activities are prohibited on District lands to the extent specified herein unless specifically authorized by the written terms of a Governing Board approved agreement or lease with any governmental entity or public or private utility or as part of a land management operation conducted by the District:

(1) through (19) No change.

Rulemaking Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History--New 5-31-09, Amended \_\_\_\_\_.

**40B-9.139 Use Fees.**

The District shall publish and make available to the public a "Public Use Fee Schedule" which specifies charges for activities on District lands. The charges contained in the District's Use Fees Schedule shall apply to the uses on District lands as specified therein. The Public Use Fee Schedule, effective January 12, 2010, is hereby incorporated by reference. Copies of the fee schedule and a list of designated properties may be obtained at the District's headquarters or at the District's website: www.mysuwanneriver.com.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.1391 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe Flanagan

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009, December 4, 2009 and May 7, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.002  
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference the Southwest Florida Water Management District's well construction permitting agreements with Manatee County and with Sarasota County. The effect will be to continue for another five years the delegation to the counties of the District's authority to regulate water well construction pursuant to Part III of Chapter 373, F.S.

SUMMARY: Since 1978, both Manatee and Sarasota counties have been delegated authority to regulate water well construction through agreements with the District. This rulemaking will continue such delegations for another five years, through May 2015. Some minor changes are proposed for this 5-year term. Under the agreements, the counties will continue to review and issue all water well construction permit applications except for potable water wells in delineated areas, District wells and some wells that also require an underground injection control permit. These wells will continue to be permitted by the District. The District will also issue permits in any areas that may, in the future, be covered under the District's Memorandum of Agreement with the U.S.

Environmental Protection Agency. The counties will continue using the District's on-line permitting system, which currently accounts for approximately 80% of permitting, and will scan in and enter well construction permit applications and other documents that are submitted on paper. Because data can be entered and documents scanned more promptly, all original paper documents will now be furnished to the District on a monthly as opposed to a bi-weekly basis. The District will continue to be responsible for issuing and renewing water well contractor licenses. The counties will continue to be responsible for compliance and enforcement efforts involving water well permits and contractors as well as unlicensed well construction activities. Monthly summary reports will no longer be required. Provisions have been added to address records management, data entry, scanning requirements and third party fee payment vendors for on-line permitting. Each county's current well construction-related fees are also made part of the agreement.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The SERC details transactional costs associated with renewal of the well construction permit delegation agreements with Manatee and Sarasota counties. The bulk of the transactional costs to the counties are associated with data entry and scanning data from permit applications, completion reports and related documents submitted on paper. Nonetheless, over 80% of the permit applications and completion reports are completed online and require no data entry on the part of the counties. There will be no additional cost impacts to existing well owners, property owners seeking wells, or well contractors as a result of the continuation of this delegated program for another 5 years. Well contractors generally qualify as small businesses. Contractors will continue to obtain permits through the appropriate county departments and will continue to be able to submit permit applications and completion reports online or on paper without additional cost or other impact.

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:** 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

**LAW IMPLEMENTED:** 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308 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:** Dianne Lee, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2010005)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County Board of County Commissioners, effective June 1, 2010 ~~May 24, 2005~~.

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, 2010 ~~May 24, 2005~~, and the ~~First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida, effective July 13, 2006~~.

(c) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Tony Gilboy, Regulation Well Construction Manager

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Southwest Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 27, 2010

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** May 7, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE NO.:** 40D-9.170

**RULE TITLE:** Hunting

**PURPOSE AND EFFECT:** The purpose of this amendment is to adopt minor revisions to the District's land use rule regarding hunting on District lands. The amendments clarify the extent to which hunting is allowed on District lands that are not within a designated Type 1 Wildlife Management Area and to allow the District to make hunting permits available on a first come/first serve basis in addition to its current process of issuing permits by lottery. The effect of the proposed amendments will be greater flexibility in the District's issuance of hunting permits.

**SUMMARY:** The proposed revisions clarify that the extent to which hunting is allowed on District lands that are not within a designated Type 1 Wildlife Management Area will be determined by the conservation management goals and objectives contained within the specific management plan for the property. The revisions will also provide greater flexibility

in the issuance of hunting permits for authorized hunts on District lands not within a Type 1 Wildlife Management Area. Currently the rule only allows for issuance per a lottery system. The proposed language will broaden the District's options to allow issuance via lottery or on a first come/first serve basis.

**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:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.1391, 373.59 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:** Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2010002)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**40D-9.170 Hunting.**

Hunting is allowed on District Lands designated by the District. Under cooperative agreements with the District, the Florida Fish and Wildlife Conservation Commission (Commission) regulates and manages recreational hunting on District Lands designated as Type I Wildlife Management Areas. The Commission requires any person engaging in recreational hunting to have a valid hunting license and a wildlife management area stamp in their possession, unless exempted by the Commission. On District Lands not designated as Type I Wildlife Management Areas, the District allows hunting by permit where hunting is part of the site-specific management plan developed or authorized by the District. The District shall issue permits for specifically authorized hunts on District Lands and shall limit the number of permits based upon the conservation management goals and objectives contained within the specific management plan for the property by lottery. Any person engaging in hunting on District Lands during such authorized ~~these special~~ hunts must have in their possession a valid hunting license and a District permit.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Eric Sutton, Director, Land Resources Department, Southwest Florida Water Management District

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Southwest Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 26, 2010

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 5, 2010

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to amend the current rules to incorporate updated forms by reference in order to reduce administrative burdens on early learning coalitions and Voluntary Prekindergarten Education (VPK) Program providers.

**SUMMARY:** The proposed amendments incorporate by reference the revised Form AWI-VPK 20 (Statewide Provider Agreement), form AWI-VPK 10 (Statewide Provider Registration Application), and form AWI-VPK 11 (Class Registration Application). The proposed amendments also incorporate recommendations made by the Florida Auditor General. These amendments include revisions made for the purpose of reducing paperwork, clarifying program requirements, and ensuring providers receive notification of eligibility to offer the VPK program prior to providing any VPK instruction.

**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:** 1002.79(2) FS.

**LAW IMPLEMENTED:** 1002.55(3), (4), 1002.61(4), (8)(a), 1002.63(3)-(6), (9)(a), 1002.75 FS.

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

**DATE AND TIME:** Friday, June 4, 2010, 2:30 p.m. – 4:00 p.m.

**PLACE:** Agency for Workforce Innovation, 107 E. Madison St., Tallahassee, Florida 32399-4128 and via WebEx which may be accessed at [http://www.floridajobs.org/earlylearning/oel\\_state\\_fed.html#proposedrules](http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by



contacting: Audrey Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination.

(1) Statewide Provider Registration Application; Supporting Documents.

(a) A VPK provider registering for the VPK Program ~~on or after September 30, 2010~~ must annually complete and sign Form AWI-VPK 10 (Statewide Provider Registration Application), dated ~~April 30, 2010 February 14, 2007~~, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 10, including supporting documents, to the early learning coalition in the county of the VPK provider's site. If a VPK provider has more than one VPK site, the provider must submit a separate Form AWI-VPK 10 for each site.

(c) ~~Once a VPK provider is determined eligible for the VPK program, the provider is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the submitted information on the prior year's application changes.~~ If submitted information changes, a the VPK provider must submit written notice of the changes in a form prescribed by the early learning coalition, an updated Form AWI-VPK 10 to the coalition within 14 calendar days after the submitted information changes.

(2) Class registration application; supporting documentation.

(a) A VPK private provider or public school must annually complete and sign Form AWI-VPK 11 (Class Registration Application), dated ~~April 30, 2010 February 14, 2007~~, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 11, including supporting documents, to the coalition. ~~If a VPK provider has more than one VPK class, the provider must submit a separate Form AWI-VPK 11 with supporting documents for each class.~~

(c) If submitted information changes, a VPK provider must submit written notice of the changes in a form prescribed by the early learning coalition, an updated class application to the coalition within 14 calendar days after the changes.

(3) Eligibility determination. A coalition shall determine the eligibility of a private provider or public school registering for the VPK program in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., based on the submitted documents. A VPK provider shall not deliver VPK instruction until the private provider receives official notification of its eligibility.

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (4), (8)(7)(a), 1002.63(3), (4), (5), (6), (9)(8)(a), 1002.75(2)(c), (d) FS. History--New 1-19-06, Amended 5-24-07, \_\_\_\_\_.

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1) An early learning coalition may not pay a VPK provider which registers to offer for the VPK program on or after September 30, 2010, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, ~~even if a qualified contractor signs on behalf of the coalition.~~ A school district may sign a single provider agreement on behalf of all public school VPK providers a public school in the district, at the discretion of the coalition. The owner of multiple private VPK providers may sign a single provider agreement on behalf of all of his or her private VPK providers, at the discretion of the coalition. A VPK provider may not offer VPK services or instruction until the VPK provider receives notice of its eligibility to offer the VPK program. The coalition shall notify a VPK provider of its eligibility to offer the VPK program by sending a copy of a provider agreement which has been signed by the VPK provider and its early learning coalition.

(2) A coalition shall keep a fully executed signed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated ~~April 30, 2010 February 14, 2007~~, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A provider agreement may not omit, supplement, include attachments, addenda or exhibits, or amend the terms and conditions of Form AWI-VPK 20, unless:

(a) The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, ~~dated, and signed by the coalition and the VPK provider;~~ and

(b) The Deputy Director for Early Learning approves the agreement before a coalition and a VPK provider execute the agreement.

(4) Early learning coalitions may not execute a provider agreement with a VPK provider before the VPK provider has registered on forms prescribed by the Agency for Workforce Innovation and the coalition has determined the VPK provider's eligibility to offer VPK services in accordance with Rule 60BB-8.300, F.A.C.

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(h)(~~e~~), 1002.61(8)(~~7~~)(a), 1002.63(9)(~~8~~)(a), 1002.75 FS. History--New 8-17-06, Amended 5-24-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Kristin R. Harden  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE NO.: 61G14-19.001  
 RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rate the Department assesses the gross amount of pilotage earned.

SUMMARY: The rule amendment will modify the rate the Department assesses the gross amount of pilotage earned.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~one tenth~~ ~~eight tenths~~ of one percent (.1%) (~~.8%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Rulemaking Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History--New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 8-1-07, 12-16-07, 7-1-08, 7-30-09, 12-31-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the automatic extension and the completion of CPE hours and to remove the requirement that proof of completion be postmarked or recorded online.

SUMMARY: Language concerning the automatic extension and completion of CPE hours will be clarified. The requirement that proof of completion be postmarked or recorded online will be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.003 Continuing Professional Education.

(1)(a) No change.

(b) Florida certified public accountants who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the Florida certified public accountant completes submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 31st provided the Florida certified public accountant completes submits an additional 16 hours in Accounting and Auditing subjects. ~~Florida certified public accountants utilizing the automatic extension must submit the required information postmarked or recorded on line by September 15th or December 31st.~~

(2) through (7) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:  
61H1-33.006

RULE TITLE:  
Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct the reestablishment dates by which required continuing professional education hours must be completed after a license is reactivated.

SUMMARY: Reestablishment dates will be corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) through (3) No change.

(4) The first establishment period after reactivation shall commence on the following June January 1st and the initial designated reestablishment date shall be the third June 30th December 31st following reactivation.

Rulemaking Authority 455.271, 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96, 7-23-06, 12-10-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-1.009  
RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the probable cause panel.

SUMMARY: Language concerning the probable cause panel will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 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: Thomas O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-1.009 Probable Cause Panel.

(1) The ~~determination of probable cause panel shall determine if probable cause exists that a registrant, licensee, certificate holder, or permit holder or the subject of the investigation~~ has violated the Real Estate Appraisal License Law, Part II, Chapter 475, Florida Statutes, or any of the board’s rules or orders, shall be made by the probable cause panel of the board and regulations.

(2) There may be ~~multiple two~~ probable cause panels of the board. The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board and shall serve for the period directed by the chairperson. As provided in Section 455.225(4), Florida Statutes, one of the panel members may be a former member of the board, one must be a present member of the board, and one must be a former or present consumer member, if one is available, willing to serve, and is authorized to do so by the chairperson.

~~Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.~~

Rulemaking Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History–New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06, 12-4-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

**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 ENVIRONMENTAL PROTECTION**

RULE NO.: 62-550.800  
RULE TITLE: Control of Lead and Copper

PURPOSE, EFFECT AND SUMMARY: The Department is adopting the Short Term Rule Revisions to Title 40, Code of Federal Regulations Part 141, Subpart I-Control of Lead and Copper because it is a U.S. Environmental Protection Agency (EPA) primacy requirement for the Department’s public water system supervision program. These amendments will bolster the implementation of the Lead and Copper Rule for monitoring, treatment processes, public education, customer awareness, and lead service line replacement for public drinking water systems. Community water systems and non-transient, non-community water systems are required to optimize corrosion control treatment such that lead and copper concentrations at consumers’ taps are minimized while ensuring that the corrosion control treatment does not cause the violation of any national primary drinking water regulation. On October 10, 2007, EPA revised and clarified the federal lead and copper rule. The Department intends to adopt the Short Term Rule Revisions by reference with the addition of clarifications (in the federal rule the term “State” shall mean “Department”) and from 40 CFR 141.85 to disallow time extension to conduct public education requirements following a lead action level exceedance for community water systems and non-transient non-community water systems. The major changes in the federal Short Term Revisions Rule include clarification of the minimum number of lead and copper tap samples required and an alternative sampling schedule for systems collecting the minimum number of samples,

clarification of the timing of actions following an action level exceedance including the timing of public education requirements and water quality parameter monitoring, modification of the requirements for systems on a reduced monitoring schedule to include meeting both the optimal water quality parameters and the lead and copper action levels, modification of the requirements for systems on a reduced monitoring schedule to include advance notification to the state of any long-term change in water treatment or the addition of a new source of water, requirement to notify occupants of homes and buildings participating in a system's monitoring program of their tap sampling results, revision of public notification message content, modification of public notification delivery and timing, modification of Consumer Confidence Report requirements, and modification of the methodology used to deem lead service lines replaced through testing under lead service line replacement requirements.

RULEMAKING AUTHORITY: 403.8055, 403.861(9) FS.

LAW IMPLEMENTED: 403.853 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kenyon C. Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400: telephone (850)245-8626, e-mail: Kenyon.C.Carter@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-550.800 Control of Lead and Copper.

The requirements contained in the July 1, ~~2008~~ 2000, edition of 40 CFR 141, subpart I (sections 80 through 91), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications to the requirements in 40 CFR 141, subpart I (sections 80 through 91).

(1) The term "State" shall mean "Department."

(2) The Department shall not allow the provision in 40 CFR 141.85(b)(3)(iv) that extends the activities stated in 40 CFR 141.85(b)(2) beyond the 60 day requirement stated in 40 CFR 141.85(b)(2).

(3) The Department shall not allow the provision in 40 CFR 141.85(b)(5) which extends the activities stated in 40 CFR 141.85(b)(4) beyond the 60 day requirement stated in 40 CFR 141.85(b)(4).

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.853 FS. History--New 12-9-96, 8-1-00, 11-27-01,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-555.900  
 RULE TITLE: Forms and Instructions

PURPOSE, EFFECT AND SUMMARY: The forms used by the Department in the Public Water System Supervision Program are contained in Rule 62-555.900, F.A.C. These forms incorporate state and federal rule references which must be updated concurrent with rule revisions. On October 10, 2007 EPA revised and clarified Title 40, Code of Federal Regulations, Subpart I, Control of Lead and Copper. Two proposed revised forms 62-555.900(16) and 62-555.900(17) will reflect concurrent proposed changes to Rule 62-550.800, F.A.C., Control of Lead and Copper, which in turn reflect the rule clarifications and modifications in Title 40, Code of Federal Regulations, Subpart I, Control of Lead and Copper.

RULEMAKING AUTHORITY: 403.8055, 403.861(9) FS.

LAW IMPLEMENTED: 403.861 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kenyon C. Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400: telephone (850)245-8626, e-mail: Kenyon.C.Carter@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-555.900 Forms and Instructions.

The forms used by the Department in the Public Water System Supervision Program are listed below by form number and name. Each form has been incorporated into the rule that references it. Copies of these forms may be obtained by writing to the Department of Environmental Protection, Drinking Water Section, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, these forms are available at the Department of Environmental Protection's District offices, at the Approved County Health Departments, and on the Department of Environmental Protection's web site at www.dep.state.fl.us. Persons and public water systems shall report to the Department using the forms listed below or using computer-generated versions of the forms listed below provided such versions are identical to the forms listed below in every respect other than font type and style, font size, and character spacing.

(1) through (15) No change.

(16) PWS Certification of Notification of Lead and Copper Tap Sample Results, effective ~~August 28, 2003~~.

(17) Lead Public Education Program Report for PWSs, effective ~~August 28, 2003~~.

(18) through (22) No change.

~~Rulemaking Specific Authority 403.8055, 403.861, 403.861(9) FS. Law Implemented 367.031, 403.0877, 403.861, 403.8615 FS. History--New 1-18-89, Amended 1-3-91, Formerly 17-555.900, Amended 12-10-96, 9-22-99, 4-3-03, 4-10-03, 8-28-03, 10-14-04, 1-17-05.~~

**DEPARTMENT OF JUVENILE JUSTICE**

**Program Accountability**

RULE NOS.:	RULE TITLES:
63L-2.001	Purpose and Scope
63L-2.002	Definitions
63L-2.003	Frequency of Reviews
63L-2.004	Program Notification and Review Preparation
63L-2.005	Conducting Reviews
63L-2.006	Indicators, Standards and Ratings
63L-2.007	Certified Reviewers
63L-2.008	Challenges to Program Reports
63L-2.009	Failed Standards
63L-2.010	Internal Review Board
63L-2.011	Deemed Status

PURPOSE AND EFFECT: The rule chapter governs the administration of the department’s statewide quality assurance system, which ensures the quality of programs operated by or on behalf of the department to serve youth and families.

SUMMARY: The rule chapter details the quality assurance system, including the review and reporting of program performance.

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: 985.64 FS.

LAW IMPLEMENTED: 985.632 FS.

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

DATE AND TIME: Thursday, June 10, 2010, 2:00 p.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste.3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63L-2.001 Purpose and Scope.

This rule establishes the process and requirements for the department’s statewide quality assurance system, as mandated by subsection 985.632(5), F.S.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History--New

63L-2.002 Definitions.

(1) Assistant secretary – The department employee responsible for the statewide administration of a respective program area as defined in subsection 20.316(2), F.S.

(2) Certified reviewer – A department or provider program manager, supervisor, or other experienced employee who has been trained to participate in reviews and provides technical and professional assistance, expertise, and program knowledge to the review team.

(3) Chief of Quality Assurance – The department employee responsible for the statewide administration of the Bureau of Quality Assurance.

(4) Contract manager/program monitor – A department employee assigned to serve as the liaison between the department and the provider in all matters involving the contract.

(5) Contract provider – Any person or business entity that contractually operates a program on behalf of the department.

(6) Director of Program Accountability – The department employee responsible for the statewide administration of the Office of Program Accountability, which includes the Bureau of Quality Assurance.

(7) Indicator – The basic level of evaluation in the quality assurance process that focuses on a specific aspect of the delinquency service delivered by the program.

(8) Internal review board – The panel empowered to make a recommendation to the Secretary for or against the cancellation of a provider’s contract as a corrective action in accordance with subsection 63L-2.009(4), F.A.C.

(9) Lead reviewer – The review specialist who is responsible for all communication with the program to be reviewed, working through any logistical problems prior to the review, monitoring and time management of the review team, and assembling, briefing, and coordinating the activities of the review team.

(10) Performance rating – A rating category based on numerical values that reflects a program’s performance. Performance is rated for indicators, standards, and the overall program.

(a) Indicator-level performance – Performance rating for the indicator being reviewed, as determined by the review team.

1. Exceptional – The program consistently meets all requirements, and a majority of the time exceeds most of the requirements, using either an innovative approach or exceptional performance that is efficient, effective, and readily apparent. Numerical value: 10.

2. Commendable – The program consistently meets all requirements without exception, or the program has not performed the activity being rated during the review period, and exceeds procedural requirements and demonstrates the capacity to fulfill those requirements. Numerical value: 8.

3. Acceptable – The program consistently meets requirements, although a limited number of exceptions occur that are unrelated to the safety, security, or health of youth, or the program has not performed the activity being rated during the review period, and meets all procedural requirements and demonstrates the capacity to fulfill those requirements. Numerical value: 7.

4. Minimal – The program does not meet requirements, including at least one of the following: an exception that jeopardizes the safety, security, or health of youth; frequent exceptions unrelated to the safety, security, or health of youth; or ineffective completion of the items, documents, or actions necessary to meet requirements. Numerical value: 5.

5. Failed – The items, documentation, or actions necessary to accomplish requirements are missing or are done so poorly that they do not constitute compliance with requirements, or there are frequent exceptions that jeopardize the safety, security, or health of youth. Numerical value: 0.

(b) Standard-level performance – Performance rating for the standard being reviewed, based on the aggregate of indicator-level performance ratings within that standard. The definitions are the same as those used for indicator-level performance ratings.

1. Exceptional – 90% to 100%

2. Commendable – 80% to 89%

3. Acceptable – 70% to 79%

4. Minimal – 60% to 69%

5. Failed – 0% to 59%

(c) Overall program performance – Performance rating for the program being reviewed, based on the aggregate of all indicator-level performance ratings within all standards. The definitions are the same as those used for indicator-level performance ratings.

1. Exceptional – 90% to 100%

2. Commendable – 80% to 89%

3. Acceptable – 70% to 79%

4. Minimal – 60% to 69%

5. Failed – 0% to 59%

(11) Program – An entity that is operated by or on behalf of the department, either directly or through a contract provider, that provides delinquency services to youth.

(12) Program administrator – The department employee responsible for the management of quality assurance operations and staff within a geographical area determined by the Chief of Quality Assurance.

(13) Quality assurance – The system for the assessment of program performance in areas such as management, operations, and service delivery. The Bureau of Quality Assurance is the office within the department responsible for overseeing this process.

(14) Regional director – The department employee responsible for the regional administration of a respective program area as defined in subsection 20.316(2), F.S.

(15) Review specialist – A Bureau of Quality Assurance employee who is responsible for leading or otherwise conducting reviews as assigned by the program administrator.

(16) Review team – A group of individuals, typically composed of a lead reviewer, review specialist(s), certified reviewer(s), and the contract manager/program monitor, who are assembled to review a program.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

#### 63L-2.003 Frequency of Reviews.

(1) All programs in which youth are housed overnight shall be reviewed each fiscal year.

(2) All programs in which youth are not housed overnight shall be reviewed every other fiscal year.

(3) Reviews shall be conducted at any other time at the request of the Secretary.

(4) New programs, as well as existing programs that are transferred to a different contract provider, shall not be eligible for review for a period of nine months following the execution of the initial contract.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

#### 63L-2.004 Program Notification and Review Preparation.

(1) Programs shall receive notification seven (7) calendar days prior to the review, to include:

(a) A personal telephone call by the lead reviewer or designee to the program director/superintendent or administrator in-charge.

(b) A follow-up e-mail from the lead reviewer or designee to the program director/superintendent or administrator in-charge, requesting documentation that must be submitted to the lead reviewer by the end of the same business day, such as personnel and training records, information listed in subsection 63L-2.004(2), F.A.C., and variances or waivers obtained in accordance with subsections 63L-2.006(7) and 63L-2.006(8), F.A.C.

(2) The lead reviewer or designee shall review the following information, if applicable, prior to the review:

(a) The program's current contract, including amendments;

(b) Prior contract monitoring reports;

(c) Incident reports received by the department within the review period defined by subsection 63L-2.006(2), F.A.C., or paragraph 63L-2.009(2)(b), F.A.C., if applicable;

(d) Accreditation reports, if applicable and available;

(e) Electronic training records for program staff;

(f) Juvenile Justice Information System (JJIS) and other electronic information systems;

(g) Medical Services Profile Form (QA1 July 2010), which is incorporated into this rule and is accessible electronically at <http://www.djj.state.fl.us/QA/index.html>; and

(h) Mental Health and Substance Abuse Services Profile Form (QA2 July 2010), which is incorporated into this rule and is accessible electronically at <http://www.djj.state.fl.us/QA/index.html>.

(3) Certified reviewers shall be notified in the following manner:

(a) Before the fiscal year begins, the lead reviewer or designee shall e-mail the certified reviewer and his/her supervisor with the dates that the certified reviewer is to be available to participate in a review.

(b) Thirty (30) calendar days prior to the review, the lead reviewer or designee shall e-mail the certified reviewer reminding him/her of the review dates, and advising whether or not the review requires overnight travel. This letter shall not reveal the name or location of the program being reviewed.

(c) Seven (7) calendar days prior to the review, the lead reviewer or designee shall contact the certified reviewer with the details of the review, including the name and location of the program being reviewed.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New \_\_\_\_\_.

#### 63L-2.005 Conducting Reviews.

(1) Prior to the review, the lead reviewer shall arrange a meeting for review team members to receive assignments and a briefing on the review process.

(2) Shortly after the review team arrives at the program, the lead reviewer shall conduct an entrance conference with the program director/superintendent to discuss the review process.

(3) The review team member(s) assigned to any security- or safety- related standards/indicators shall conduct a tour of the program to determine the current practices. The lead reviewer and other review team members may participate in the program tour. During the review, team members shall visit and observe the areas of the program pertinent to their assignments.

(4) The review team shall meet at least daily to report the status of each member's progress and share information. Each review team member shall summarize his/her findings with other team members, seek other team members' observations that may pertain to his/her assignment, or encourage team members to report information that may or may not support a particular thought or observation.

(5) The review team shall conduct daily debriefing sessions with the program director/superintendent and other program staff for the purposes of clarifying findings, answering questions, and requesting additional information, if necessary.

(6) Within twenty-four (24) hours after the final daily debriefing:

(a) The lead reviewer shall discuss the review team's preliminary findings with the program administrator or designee; and

(b) The program administrator or designee shall send preliminary indicator-level, standard-level, and overall program performance ratings to the program director/superintendent via e-mail.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New \_\_\_\_\_.

#### 63L-2.006 Indicators, Standards, and Ratings.

(1) Standards are developed for each program type within the department and are based on Florida Statute, administrative rule, department policy, and contract language. Standards are incorporated into this rule and are accessible electronically at <http://www.djj.state.fl.us/QA/index.html>:

(a) Child In Need of Services/Family In Need of Services (CINS/FINS) Standards (July 2010);

(b) Community Supervision Standards (July 2010);

(c) Day Treatment Standards (July 2010);

(d) Detention Standards (July 2010);

(e) Diversion Standards (July 2010);

(f) Practical Academic Cultural Education (PACE) Standards (July 2010); and

(g) Residential Standards (July 2010).

(2) Review team members shall review the program's written records and files, conduct surveys and interviews, and observe the program's operations to determine prevailing practice for a period of six (6) months preceding the review. If the program has not performed the activity being rated during the six-month review period, with the approval of the lead reviewer, team members may extend the scope of the review period back to the date of the last review, but no more than twelve (12) months.

(3) The review team shall discuss each indicator and assign the most appropriate performance rating. Professional judgment shall play an important role in determining the performance rating. Review team members must be prepared to explain and provide justification for this determination. The



rating of each indicator and standard is open for discussion. The review team may accept the findings, request additional information, or change the rating as a result of the discussion. The lead reviewer maintains final approval authority during this phase of the process.

(4) Review team members shall use the following categories when rating indicator-level performance: Exceptional, Commendable, Acceptable, Minimal, and Failed. Criteria for each performance rating category is defined in paragraph 63L-2.002(10)(a), F.A.C.

(5) Standard-level performance ratings shall be determined by dividing the aggregate of indicator-level ratings within that standard by the number of applicable indicators in that standard multiplied by 10 (the highest possible indicator-level rating). The resulting percentage shall determine the standard-level performance rating. Percentage ranges for standard-level program performance ratings are defined in paragraph 63L-2.002(10)(b), F.A.C.

(6) The overall program performance rating shall be determined by dividing the aggregate of all indicator-level ratings by the number of all applicable indicators multiplied by 10 (the highest possible indicator-level rating). The resulting percentage shall determine the overall program performance rating. Percentage ranges for overall program performance ratings are defined in paragraph 63L-2.002(10)(c), F.A.C.

(7) An indicator that is addressed by the program in a manner that varies from the indicator defined in subsection 63L-2.006(1), F.A.C. shall be rated based on an alternative compliance measure.

(a) An indicator that is based on a program area-specific administrative rule requirement shall be rated based on an alternative compliance measure when the program obtains a variance of the applicable administrative rule.

(b) All other indicators shall be rated based on appropriate alternative compliance measures when:

1. The program specifically meets the criteria for an alternative compliance measure as described in the indicator; or

2. The program obtains a variance of subsection 63L-2.006(1), F.A.C. The program shall be responsible for obtaining a variance in accordance with Section 120.542, F.S., and Chapter 28-104, F.A.C.

(8) An indicator that is not applicable to the program being reviewed shall not be rated and shall not count for or against the program in the rating process.

(a) An indicator that is based on a program area-specific administrative rule requirement shall be non-applicable when the program obtains a waiver of the applicable administrative rule.

(b) All other indicators shall be non-applicable when:

1. The program specifically meets the criteria for a non-applicable rating as described in the indicator; or

2. The program obtains a waiver of subsection 63L-2.006(1), F.A.C. The program shall be responsible for obtaining a waiver in accordance with Section 120.542, F.S., and Chapter 28-104, F.A.C. It is not necessary for a program to obtain a waiver for a discretionary administrative rule requirement.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New \_\_\_\_\_.

#### 63L-2.007 Certified Reviewers.

(1) Each contract provider program shall provide the number of certified reviewers prescribed by the contract to participate in at least one review during the fiscal year.

(2) State-operated programs shall provide the number of certified reviewers identified by the Chief of Quality Assurance and applicable assistant secretary as necessary to conduct reviews as prescribed by Rule 63L-2.003, F.A.C.

(3) Travel, lodging, and meals/per diem for participation on a review shall be at the expense of the certified reviewer's program.

(4) In order to qualify as a certified reviewer, a state or provider employee must:

(a) Successfully complete the certified reviewer certification training conducted by the Bureau of Quality Assurance, at the expense of the employee's program; and

(b) Be a manager, supervisor, or other experienced employee possessing at least a Bachelor's degree from an accredited university and having a minimum of two years of experience in juvenile justice programs. Exceptions shall be allowed upon approval of the Chief of Quality Assurance based on the employee's current position and years of experience in juvenile justice programs.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New \_\_\_\_\_.

#### 63L-2.008 Challenges to Program Reports.

(1) The program administrator or designee shall e-mail a draft of the program report to the program director/superintendent within twenty (20) calendar days of the conclusion of the review.

(2) The program director/superintendent or designee shall have five (5) working days to review the draft program report and respond with any challenge related to accuracy, wording, or ratings contained in the draft program report. Any challenge and supporting documentation not received by the close of business on the fifth working day shall not be considered.

(3) The program administrator shall attempt to resolve the challenge with the program director/superintendent.

(4) If the program director/superintendent is not satisfied with the program administrator's resolution, he/she shall have five (5) working days from receipt of the response to refer the challenge to the Chief of Quality Assurance, who shall, in

consultation with the Director of Program Accountability and the applicable assistant secretary or designee, make the final decision regarding the challenge.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

#### 63L-2.009 Failed Standards.

(1) This subsection applies to any program that receives a standard-level or overall program performance rating of Failed, as defined by subparagraphs 63L-2.002(10)(b)5. and 63L-2.002(10)(c)5., F.A.C.

(2) A follow-up review of the program shall be conducted within six (6) months of publication of the program report to determine if corrective action taken by the program has resulted in improvements.

(a) The program shall be reviewed on the Failed standard(s) only.

(b) Review team members shall review the program's written records and files, conduct surveys and interviews, and observe the program's operations to determine prevailing practice for a period of three (3) months preceding the review. If the program has not performed the activity being rated during the three-month review period, with the approval of the lead reviewer, team members may extend the scope of the review period back to the date of the last review, but no more than six (6) months.

(3) For programs that received a standard-level performance rating of Failed, if the review team determines that corrective action taken by the program has not resulted in improvements to the extent that the program would receive a standard-level performance rating of at least Minimal on a regular review, further corrective action shall be taken as determined by the Secretary or designee.

(4) For programs that received an overall program performance rating of Failed, if the review team determines that corrective action taken by the program has not resulted in improvements to the extent that the program would receive an overall program performance rating of at least Minimal on a regular review, further corrective action shall be taken in accordance with paragraph 985.632(5)(f), F.S.

(5) If cancellation of the provider's contract is pursued as a corrective action in accordance with subsection 63L-2.009(4), F.A.C., the provider shall have the opportunity to submit information to the internal review board in accordance with subsection 63L-2.010(4), F.A.C.

(6) The next regular review shall be conducted in accordance with Rule 63L-2.003, F.A.C., but no earlier than six months from publication of the program report addendum that documents the findings of the follow-up review conducted in accordance with subsection 63L-2.009(2), F.A.C.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

#### 63L-2.010 Internal Review Board.

(1) The department shall establish an internal review board chaired by the Deputy Secretary. Membership shall include the Chief of Staff, the assistant secretary for the program area reviewed, and a representative of the general counsel's office.

(2) The purpose of the internal review board is to determine if there are documented extenuating circumstances that contributed to the determination that the program would not receive an overall program performance rating of at least Minimal on a regular review, in accordance with subsection 63L-2.009(4), F.A.C.

(3) The department shall serve the provider with the final report and written notice of their rights and how to initiate an internal review board meeting by registered or certified mail, return receipt requested.

(4) The provider shall have ten (10) working days from receipt of the certified letter to present any documentation of extenuating circumstances to the Deputy Secretary.

(a) If the provider fails to respond within ten (10) working days, the department shall proceed with cancellation of the contract without an internal review board meeting.

(b) If the provider submits documentation of extenuating circumstances that impacted their performance, an internal review board meeting shall be scheduled.

(5) The internal review board shall review and consider the documentation, as well as any other pertinent information.

(a) The provider shall be given an opportunity to present information in-person or via conference call.

(b) The internal review board shall consider all information and make a recommendation to the Secretary within ten (10) working days following the meeting.

(6) The Secretary or designee shall make the final decision regarding any contract action to be taken.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

#### 63L-2.011 Deemed Status.

(1) The department shall recognize programs that have attained the highest levels of performance as measured by the quality assurance process.

(2) The department shall award deemed status to any program in which youth are housed overnight that achieves the following during its review:

(a) An overall program performance rating of at least Commendable, as defined by paragraph 63L-2.002(10)(c), F.A.C.;

(b) A standard-level performance rating of at least Commendable, as defined by paragraph 63L-2.002(10)(b), F.A.C., on all health, mental health/substance abuse, and safety/security standards; and

(c) A standard-level performance rating of at least Acceptable, as defined by paragraph 63L-2.002(10)(b), F.A.C., on all other standards.

(3) The department shall award deemed status to any program in which youth are not housed overnight that achieves the following during its review:

(a) An overall program performance rating of at least Commendable, as defined by paragraph 63L-2.002(10)(c), F.A.C.; and

(b) A standard-level performance rating of at least Acceptable, as defined by paragraph 63L-2.002(10)(b), F.A.C., on all standards.

(4) In the fiscal year following the qualifying review of any program in which youth are housed overnight, there shall be a one-day review that focuses on healthcare, mental health/substance abuse, and safety/security standards. The second fiscal year following the qualifying review, there shall be a regular review.

(5) Deemed status shall have no impact on the reviews of programs in which youth are not housed overnight, as there will be no review during the fiscal year following the qualifying review pursuant to subsection 63L-2.003(2), F.A.C. The second fiscal year following the qualifying review, there shall be a regular review.

(6) Upon request by the Secretary, or during the one-day review, if the review team determines that the program would not receive an overall program performance rating of at least Acceptable on a regular review, the program shall immediately lose its deemed status, and a regular review shall be conducted within ninety (90) days.

Rulemaking Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Wenhold, Chief of Quality Assurance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.013  
RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the requirements and grading for dental examinations.

SUMMARY: The rule amendment will add new language to clarify the requirements and grading for dental examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Dental Examination Requirements and Grading

(1) though (3) No change.

(4) DIAGNOSTIC SKILLS EXAMINATION.

(a) through (c) No change.

(d) Passing scores earned on the Florida certified Diagnostic Skills Examination provided to obtain North East Regional Board of Dental Examiners, Inc. status can be used to fulfill the Diagnostic Skills Examination requirements of Florida if the examination was taken after September 1st, 2008.

Rulemaking Authority 456.017(1)(b), 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History–New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.0046  
 RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify violations and penalties of citation authority and to renumber the rule as necessary.

SUMMARY: The rule amendment will add new language to clarify violations and penalties of citation authority and to renumber the rule as necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.077, 466.004(4) FS.

LAW IMPLEMENTED: 456.0752(3)(a), 456.077 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: Susan Foster, Executive Director of the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.0046 Citation Authority.

(1) through (2) No change.

(3) A first time violation of Sections 466.028(1)(i) and/or 466.028(1)(a), F.S., and/or subsection 64B5-12.013(1) or (2), F.A.C., by renewing a license without completing the required continuing education credits. The penalty for a dentist shall be an administrative fine of \$100.00 per hour not completed as required and completion of all continuing education hours that were not completed. The penalty for a dentist shall be an administrative fine of \$150 for not completing the required training in cardiopulmonary resuscitation (CPR) at the basic life support level. Said continuing education shall be in compliance with Rule Chapter 64B5-12, F.A.C., and shall not count toward any continuing education required for the biennium in which it is completed. Furthermore, the licensee shall submit proof of completion of all required continuing education under this rule to the Board office no later than 12 months from the date of the citation. The penalty for a dental hygienist shall be an administrative fine of \$25.00 per hour not completed as required and completion of all continuing education hours that were not completed. The penalty for a dental hygienist shall be an administrative fine of \$50 for not

completing the required training in cardiopulmonary resuscitation (CPR) at the basic life support level. Said continuing education shall be in compliance with Rule Chapter 64B5-12, F.A.C., and shall not count toward any continuing education required for the biennium in which it is completed. Furthermore, the licensee shall submit proof of completion of all required continuing education under this rule to the Board office no later than 12 months from the date of citation.

(4) through (11) No change.

(12) Violation of Section 466.028(1)(II), F.S., by means of submission of insufficient funds for initial license or renewal or any other payment to the Department of Health.

(12) through (16) renumbered (13) through (17) No change.

Rulemaking Specific Authority 456.077, 466.004(4) FS. Law Implemented 456.072(3)(a), 456.077 FS. History--New 12-24-91, Formerly 21G-13.0046, Amended 11-22-93, Formerly 61F5-13.0046, 59Q-13.0046, Amended 7-19-01, 10-9-06, 2-7-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.005  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to modify the disciplinary guidelines.

SUMMARY: The rule amendment will add new language to modify the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, or certificate holder whom it regulates under Chapter 466, F.S., has committed any of the acts set forth in Section 456.072(1) or 466.028, F.S., it shall issue a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a

fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated:

VIOLATION	MINIMUM	PENALTY RANGE	MAXIMUM
(a) through (ccc) No change			
<u>(ddd) Being convicted of, or entering a plea of nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.</u>			
(Section 456.072(1)(ii), F.S.)			
<u>FIRST OFFENSE</u>	<u>Revocation</u>		<u>\$10,000 fine, revocation</u>
<u>SECOND OFFENSE</u>	<u>\$10,000 fine, revocation</u>		<u>\$10,000 fine, revocation</u>
<u>(eee) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgement, or stipulation or settlement.</u>			
(Section 456.072(1)(ii), F.S.)			
<u>FIRST OFFENSE</u>	<u>\$500 fine, letter of concern</u>		<u>\$5,000 fine suspension</u>
<u>SECOND OFFENSE</u>	<u>\$5,000 fine, reprimand</u>		<u>\$10,000 fine, revocation</u>
<u>(fff) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.</u>			
(Section 456.072(1)(kk), F.S.)			
<u>FIRST OFFENSE</u>	<u>\$1,000 fine, letter of concern</u>		<u>\$5,000 fine, suspension</u>
<u>SECOND OFFENSE</u>	<u>\$5,000 fine, reprimand</u>		<u>\$10,000 fine, revocation</u>

(ggg) Being convicted of, or entering a plea of guilty or nolo contendere, to any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.  
(Section 456.072(1)(II) F.S.)

FIRST OFFENSE

Revocation

\$10,000 fine, revocation

SECOND OFFENSE

\$10,000 fine, revocation

\$10,000 fine, revocation

(2) through (5) No change.

Rulemaking Specific Authority 456.079(1) FS. Law Implemented 456.072(2), 456.079(1), 466.028 FS. History–New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, 6-11-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.005  
 RULE TITLE: Application for Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify reference to Rule 64B4-14.003, F.A.C., and to add new language to clarify requirements for the particular type of anesthetics permit applied for.

SUMMARY: The rule amendment will modify reference to Rule 64B4-14.003, F.A.C., and to add new language to clarify requirements for the particular type of anesthetics permit applied for.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in Section 456.001, F.S., to perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in Section 456.001, F.S., administers general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Each dentist in a practice who performs the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation shall each possess an individual permit. Nothing in this paragraph shall be construed to prohibit administration of anesthetics as part of a program authorized by Rule 64B5-14.003 ~~64B4-14.003~~, F.A.C., any other educational program authorized by Board rule, for training in the anesthetic being administered, or pursuant to a demonstration for inspectors pursuant to Rule 64B5-14.007, F.A.C.

(2) An applicant for any type of anesthesia permit must demonstrate both:

(a) No change.

(b) Documentation of actual clinical administration of anesthetics to 20 dental or oral and maxillofacial patients within two (2) years prior to application of the particular type of anesthetics for the permit applied for.

(3) through (8) No change.

Rulemaking Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History–New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, 6-23-04, 2-22-06, 6-28-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-16.0075  
RULE TITLE: Dental Charting by Dental Hygienists

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify who is permitted to perform dental charting.

SUMMARY: The rule amendment will add new language to clarify who is permitted to perform dental charting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 466.004(4), 466.0235 FS.

LAW IMPLEMENTED: 466.0235 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) Pursuant to Section 466.0235, F.S., a Florida licensed dental hygienist is permitted to, without supervision and within the lawful scope of his or her duties as authorized by law, perform dental charting of hard and soft tissues in public and private educational institutions of the state and Federal Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile dental or health units, in health access settings as defined in Section 466.003, F.S., and epidemiological surveys for public health. A Florida licensed dental hygienist is permitted to pro-bono perform dental charting on a volunteer basis at health fairs.

(2) through (5) No change.

Rulemaking Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History–New 12-26-06. Amended 6-11-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 2010

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.1001  
RULE TITLE: Examination and Application Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add an application fee for the Influenza Immunization Certification.

SUMMARY: An application fee will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009, 465.014 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1001 Examination and Application Fees.

(1) through (3) No change.

(4) The non-refundable application fee for the Influenza Immunization Certification shall be \$55, payable to the Board.

~~(5)~~(4) No change.

Rulemaking Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.007, 465.0075, 465.009, 465.014 FS. History–New 1-11-05, Amended 10-30-07, 11-15-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2010

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.1031  
RULE TITLE: Influenza Immunization Certification Program and Application

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate an application form for certification.

SUMMARY: An application for certification will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 465.005 FS.

LAW IMPLEMENTED: 465.189 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1031 Influenza Immunization Certification Program and Application.

(1) All applications for immunization certification programs shall be made on board approved form DH-MQA 1234, "Immunization Certification Program Application", effective 04/10, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254 or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

(2) The Board shall approve for initial certification of pharmacist administration of influenza immunizations, programs of study not less than 20 hours that include coursework covering all of the following;

(1) through (14) renumbered (a) through (n) No change, Successful completion of the certification program must include a successful demonstration of competency in the administration technique and a cognitive examination.

Rulemaking Specific Authority 465.005 FS. Law Implemented 465.189 FS. History--New 3-20-08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2010

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-14.0038  
RULE TITLE: Recreational Snapper Seasons

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal recreational reef fish regulations for red snapper in the Gulf of Mexico. The most recent red snapper stock assessment (2005) indicated that continued overfishing was compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which was designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan to address the continued overfishing and overfished status of the fishery. Amendment 27/14, which was implemented in 2008, addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons in federal waters. However, the success of the red snapper rebuilding plan depends not only upon controlling harvest in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters. Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery, occurring in both state and federal waters, accounts for a large proportion of the recreational red snapper catch. The recreational fishery is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. The regulations in Florida state waters of the Gulf of Mexico are currently consistent with the federal rebuilding plan and the overfishing status of the fishery was lifted in 2009; however, the National Marine Fisheries Service has determined that the recreational sector of the Gulf of



Mexico red snapper fishery exceeded its total allowable catch by 2.15 million pounds in 2009. By law the National Marine Fisheries Service is required to correct this overage to keep the red snapper rebuilding plan on schedule. The National Marine Fisheries Service’s correction will shorten the 2010 red snapper season from June 1 through August 14 to June 1 through July 23 (53 days). The effect of this rule amendment is that federal and state regulations will be consistently applied. Where practicable, this minimizes public confusion, aids enforceability, and contributes to the overall red snapper rebuilding effort in the Gulf of Mexico.

**SUMMARY:** Rule 68B-14.0038, F.A.C., (Recreational Snapper Seasons) would amend the Commission’s Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally managed waters of the Gulf of Mexico as instituted by the National Marine Fisheries Service. The proposed Commission rule would change the recreational red snapper fishing season from June 1 through August 14 to June 1 through July 23.

**RULEMAKING AUTHORITY:** Article IV, Section 9, Florida Constitution.

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

**THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO:** Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.**

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68B-14.0038 Recreational Snapper Seasons.

(1) Recreational Red Snapper Season. In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 through July 23 ~~August 14~~, each year (consistent with the Federal Standard established in vol. 75 of the 74 Fed. Reg., page 23186 21-558). Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from July 24 ~~August 15~~ through May 31, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-12-09, 8-7-09, 10-16-09, \_\_\_\_\_.

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

**RULE NO.:** 9B-76.001  
**RULE TITLE:** Administration

**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. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

9B-76.001 Administration.

(1) The objective of this section is to establish administrative procedures for implementing and managing Neighborhood Stabilization Program (NSP) funded ~~NSP funded~~ projects in accordance with Public Law 110-289 and 24 C.F.R. Part 570. This rule applies to ~~the~~ all State-funded NSP grant recipients, whether Urban Entitlement or participants of the Florida Small Cities Community Development Block Grant (CDBG) Program, listed below ~~located in the following jurisdictions:~~

- Alachua County
- ~~Apopka~~
- Bay County
- Bradenton
- Charlotte County
- Citrus County
- Clay County
- ~~Clearwater~~
- Davie
- Daytona Beach
- Delray Beach
- Ft. Pierce
- Hernando County
- Indian River County
- Martin County
- Melbourne
- Miami Beach
- Ocala
- Okaloosa County
- Osceola County
- Palm Coast
- Santa Rosa County
- St. Johns County