

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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:** 624.308 FS.  
**LAW IMPLEMENTED:** 624.307(1), 624.3161, 626.9541(1)(i)3.a., 627.4131 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

**DATE AND TIME:** November 14, 2011, 10:00 a.m.  
**PLACE:** Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Benefield, (850)413-5404 or Cindy.Benefield@MyFloridaCFOcfo.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Cindy Benefield, Senior Management Analyst, Division of Insurance Agents and Agency Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5404

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

69B-166.021 Definitions.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161 FS. History–New 11-2-92, Formerly 4-166.021, Repealed.

69B-166.024 Failure to Acknowledge Communications and Act Promptly as to Communications with Respect to Claims and to Implement Standards for the Prompt Investigation of Claims.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161, 626.9541(1)(i)3.a., 627.4131 FS. History–New 11-2-92, Formerly 4-166.024, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Greg Thomas, Director, Division of Insurance Agents and Agency Services

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 2, 2011

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

**DEPARTMENT OF STATE**

**Division of Elections**

**RULE NO.:** 1S-2.031  
**RULE TITLE:** Recount Procedures

**NOTICE OF CORRECTION**

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

The date, time and place for the rule development workshop was inadvertently omitted. This second rule workshop will be held as shown below:

**DATE AND TIME:** October 31, 2011, 2:00 p.m.  
**PLACE:** Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Any person needing special accommodations to participate in this proposed rule development workshop should contact Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State at 1(850)245-6500 or at elphillips@dos.state.fl.us no later than 5 days before the workshop. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-4.0021  
**RULE TITLE:** Florida Teacher Certification Examinations

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rulemaking omitted the following legislative ratification information: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes and 2) based upon prior experience with Florida Teacher Certification Examinations, the proposed revisions will add no additional costs associated with the examination and the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Procedures Regarding Employer Contributions
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.011	Employer and Employee Contributions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-9.250	Firearms and Similar Equipment

NOTICE OF CORRECTION

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The District has determined that this repeal will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the District. The District has determined no SERC

is required because no regulatory cost is associated with this proprietary rule or its repeal. The rule governs access to District property and is not regulatory in nature. There are no permits, licenses, or fees associated with this rule. There is neither a cost nor an exemption from cost associated with this rule. The repeal of this rule is therefore not expected to require legislative ratification pursuant to subsection 120.541(3), Florida Statutes. The repeal of this rule is, however, subject to legislative review pursuant to subsection 373.1391(6), Florida Statutes.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-24.004	Collection and Payment of Fees

NOTICE OF CORRECTION

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

The following language is inserted in the Summary of Statement of Estimated Regulatory Costs:

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-8.005	Unprofessional Conduct

NOTICE OF PUBLIC HEARING

The Board of Nursing announces a hearing regarding the above rule, as noticed in Vol. 37, No. 40, October 7, 2011 Florida Administrative Weekly.

DATE AND TIME: For Rule 64B9-8.005, at 8:30 a.m. or as soon thereafter as possible, on Friday, December 2, 2011, until business is concluded.

PLACE: Hilton Ft. Lauderdale Airport Hotel, 170 Griffin Road, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conscious sedation.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joe R. Baker, Jr., Executive Director, Board of

Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-11.001                      RULE TITLE: Application for Licensure  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly.

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification published in the Notice of Proposed Rule shall read as:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

This correction does not affect the substance of the rule as originally published in the September 2, 2011, issue of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.010                      RULE TITLE: Citations  
 NOTICE OF CORRECTION

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

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification published in the Notice of Change shall read as:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

This correction does not affect the substance of the rule as originally published in the September 9, 2011, issue of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-16.006                      RULE TITLE: Registration Requirements of Podiatric Residents  
 NOTICE OF CORRECTION

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

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification published in the Notice of Proposed Rule shall read as:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

This correction does not affect the substance of the rule as originally published in the September 9, 2011, issue of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-24.001  
 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

**NOTICE OF CORRECTION**

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

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification published in the Notice of Proposed Rule shall read as:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

This correction does not affect the substance of the rule as originally published in the September 9, 2011, issue of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32314-3256

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.: 64D-3.046  
 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

**NOTICE OF CORRECTION**

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

THE RULE DEVELOPMENT WORKSHOP SCHEDULED FOR OCTOBER 24, 2011, 10:00 A.M. IS CANCELED.

A HEARING FOR PROPOSED RULE IS SCHEDULED FOR:

DATE AND TIME: October 31, 2011, 10:30 a.m.

PLACE: 2585 Merchants Row Boulevard, Room 105J

GENERAL MATTER TO BE CONSIDERED: PROPOSED UPDATES TO THE FORM DH 150-615 IMMUNIZATION GUIDELINES, FLORIDA SCHOOLS, CHILDCARE FACILITIES AND FAMILY DAYCARE HOMES.

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 3 DAYS BEFORE THE MEETING BY CONTACTING: SUSAN LINCICOME, PROGRAM ADMINISTRATOR, susan\_lincicome@doh.state.fl.us, (850)245-4444, x 2381.

IF YOU ARE HEARING OR SPEECH IMPAIRED, PLEASE CONTACT THE AGENCY USING THE FLORIDA RELAY SERVICE, 1(800)955-8771 (TDD) OR 1(800)955-8770 (VOICE).

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.: 64D-3.046  
 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

Notice of Correction to Statement of Economic Regulatory Costs (SERC)

The following text replaces the previously published SERC to provide a summary.

Summary

Based on the SERC prepared for this rule amendment, there are no impacts directly or indirectly on the following: economic growth, private-sector job creation or employment, or private-sector investment, business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the rule will not increase regulatory costs, including any transactional costs in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

There are no costs to the department or other state and local government entities for implementing this proposed rule. There are no transactional costs to be incurred by individuals and entities required to comply with the rule. There is no impact on small businesses, small counties or small cities.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: 67-48.002                      RULE TITLE: Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that paragraph 16 of the Qualified Allocation Plan incorporated by reference in the Rule 67-48.002(94), F.A.C., "QAP or Qualified Allocation Plan," as noticed in Vol. 37, No. 26, July 1, 2011 issue of the Florida Administrative Weekly has been withdrawn.

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**Section IV  
Emergency Rules**

**NONE**

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**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that on October 3, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Cedar Key Police Department on behalf of four officers for the 2006-2008 (7/1/2006 – 6/30/2008) reporting period subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the two instructors supervising the requalifications were not CJSTC-certified firearms instructors. Petitioner states

that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2006-2008 requalifications.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN that on October 4, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Daytona Beach Police Department on behalf of 32 officers for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008-6/30/2010) reporting periods subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the two instructors supervising the requalifications were not CJSTC-certified firearms instructors. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised their 2008 and 2010 requalifications.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN that on October 9, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Lawtey Police Department on behalf of Captain Troy Bennett for the 2006-2008 (7/1/2006 – 6/30/2008) reporting period. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue was not qualified on all aspects of the requalification shoot for the 2008 reporting cycle while the officer was employed with another agency. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete all of the requirements for the 2010 reporting cycle and that the