

SUBJECT AREA TO BE ADDRESSED: Full-Time Practice Requirements for Licensees Granted Based on Out-of-State ADLEX Scores.

RULEMAKING AUTHORITY: 466.004(4), 466.006(6)(b)2. FS.

LAW IMPLEMENTED: 466.004, 466.006(6) 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 Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The Board proposes to review the rule to clarify the number of hours for certification and to delete unnecessary language and add new language to clarify procedures for training, education, certification, and requirements for issuance of permits.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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 Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.:	RULE TITLE:
2-40.006	Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

PURPOSE AND EFFECT: The Department proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S. The rule has previously been incorporated into law and its repeal will have no practical effect.

SUMMARY: The rule amendment will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, 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 rule 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.

RULEMAKING AUTHORITY: 893.035 FS.

LAW IMPLEMENTED: 893.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Tellechea, Chief Assistant Attorney General-DLA, PL-01, The Capitol, Bin #4100, 107 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

2-40.006 Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

Rulemaking Specific Authority 893.035 FS. Law Implemented 893.035 FS. History—New 1-12-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Tellechea, Chief Assistant Attorney General-DLA

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Bondi, Attorney General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-10.001	Purpose and Applicability
5M-10.002	Definitions
5M-10.003	Land Application Requirements
5M-10.004	Record Keeping

PURPOSE AND EFFECT: The purpose is to repeal Chapter 5M-10, F.A.C., as similar provisions have been adopted in Rule 5M-3.004, F.A.C.

SUMMARY: Repeal Chapter 5M-10, F.A.C.

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: None of the requirements in Section 120.541(1), Florida Statutes, for preparing a SERC were triggered.

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: 373.4595(4)(a)2.g., (b)2.g. FS.

LAW IMPLEMENTED: 373.4595(4)(a)2.g, (b)2.g. 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: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-10.001 Purpose and Applicability.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed _____.

5M-10.002 Definitions.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed _____.

5M-10.003 Land Application Requirements.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed _____.

5M-10.004 Record Keeping.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-14.001	Purpose
5M-14.002	Approved Best Management Practices
5M-14.003	Presumption of Compliance
5M-14.004	Notice of Intent to Implement
5M-14.005	BMP Record Keeping

PURPOSE AND EFFECT: The purpose of this rule is to effect agricultural nonpoint source pollutant reduction in Florida through the implementation of Best Management Practices to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: The proposed rule establishes a procedure for agricultural equine operations to submit a Notice of Intent (NOI) to implement agricultural water quality and quantity best management practices (BMPs) applicable to the operation. Submittal of the NOI to the Florida Department of Agriculture and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), Florida Statutes, for those pollutants addressed by the practices. This rulemaking also provides that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

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: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) based on past experiences with voluntary Best Management Practices implementation activities and costs, if any, they would not exceed the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

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

LAW IMPLEMENTED: 403.067(7)(c)2. 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: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-14.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of agricultural Best Management Practices (BMPs) that may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented: 403.067(7)(c)2. FS. History—New _____.

5M-14.002 Approved Best Management Practices.

The manual titled Water Quality/Quantity Best Management Practices for Florida Equine Operations (2011 Edition), DACS P-01531, is hereby adopted and incorporated by reference. Copies of the manual may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor

Square Boulevard, Suite 200, Tallahassee, FL 32301 or accessed online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History—New _____.

5M-14.003 Presumption of Compliance.

Pursuant to Section 403.067(7)(c)3., F.S., agricultural operations that implement BMPs, in accordance with FDACS rules, that have been verified by the Florida Department of Environmental Protection as effective in reducing pollutants addressed by the practices are presumed to comply with state water quality standards, and are released from the provisions of Section 376.307(5), F.S., for those pollutants. In order to meet the requirements for a presumption of compliance and release from Section 376.307(5), F.S., the producer must:

(1) Submit a Notice of Intent to Implement, as provided in Rule 5M-14.004, F.A.C., that identifies the applicable BMPs;

(2) Implement all applicable BMPs in accordance with the timeline requirements in Rule 5M-14.004, F.A.C.; and

(3) Maintain records to document the implementation and maintenance of the identified BMPs, in accordance with Rule 5M-14.005, F.A.C.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History—New _____.

5M-14.004 Notice of Intent to Implement.

A Notice of Intent to Implement (NOI) and the accompanying BMP Checklist, both of which are in the Appendix of the manual referenced in Rule 5M-14.002, F.A.C., shall be submitted to the FDACS Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301. The Notice of Intent to Implement Water Quality/Quantity BMPs for Florida Equine Operations (DACs-01549, Rev. 06/10), hereby adopted and incorporated by reference, may be obtained from FDACS or accessed online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

(1) The NOI shall include:

(a) The name of the property owner, the location of the property, and the property tax ID number(s) or other property identification information;

(b) The amount of acreage on which BMPs will be implemented;

(c) The name and contact information of a person to contact;

(d) The signature of the land owner, lease holder, or an authorized agent; and

(e) A BMP Checklist with a schedule for implementation, as contained in the manual. The producer shall select the applicable BMPs by following the instructions in the manual.

Except as provided in the manual, all applicable Level I BMPs must be implemented as soon as practicable, but no later than 18 months after submittal of the Notice of Intent to Implement.

(2) Submittal of the NOI enables the producer to receive assistance with BMP implementation.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

5M-14.005 BMP Record Keeping.

Participants must keep records as directed in the manual to document implementation and maintenance of the practices submitted to FDACS. Records must be retained for at least 5 years. All records are subject to inspection.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2011

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Planning and Budgeting

RULE NOS.:	RULE TITLES:
27D-1.001	Applicability and Definitions
27D-1.002	Types of State Financial Assistance
27D-1.003	Recipient/Subrecipient and Vendor Relationships
27D-1.006	Criteria for Major State Projects
27D-1.007	Criteria for Selecting State Projects for Audit Based on Inherent Risk

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rulemaking authority for these rules no longer exists. Section 11, 2005-152, L.O.F., amended Section 215.97(3), F.S., to remove the rulemaking authority of the Executive Office of the Governor and transfer that rulemaking authority to the Department of Financial Services.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: N/A

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: The agency has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are currently ineffective and without authority.

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: 215.97 FS.

LAW IMPLEMENTED: 215.97 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: Patricia Nelson, Deputy Director, Office of Fiscal Accountability and Regulatory Reform, (850)487-1880

THE FULL TEXT OF THE PROPOSED RULES IS:

27D-1.001 Applicability and Definitions.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History--New 7-16-00, Repealed _____.

27D-1.002 Types of State Financial Assistance.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History--New 7-16-00, Repealed _____.

27D-1.003 Recipient/Subrecipient and Vendor Relationships.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History--New 7-16-00, Repealed _____.

27D-1.006 Criteria for Major State Projects.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History--New 7-16-00, Repealed _____.

27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History--New 7-16-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patricia Nelson, Deputy Director, Office of Fiscal Accountability and Regulatory Reform, (850)487-1880

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Rick Scott
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2011

DEPARTMENT OF MANAGEMENT SERVICES

State Retirement Commission

RULE NOS.: RULE TITLES:
 60R-1.0026 Jurisdiction of the Commission
 60R-1.0049 Witnesses; Penalties

PURPOSE AND EFFECT: The Commission proposes to repeal the rules after a comprehensive rule review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed because both are verbatim duplications of existing statutes and are unnecessary and duplicative.

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

During discussion of the economic impact of this rule at its meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule repeals 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 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: 121.24(5) FS.

LAW IMPLEMENTED: 121.23, 121.23(2)(b) 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: Christina Sykes, Clerk, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60R-1.0026 Jurisdiction of the Commission.

Rulemaking Specific Authority 121.24(5) ~~121.031(4)~~ FS. Law Implemented 121.0515, 121.23, 121.35 FS. History–New 8-19-87, Amended 8-12-91, Formerly 22J-1.0026, Repealed.

60R-1.0049 Witnesses; Penalties.

Rulemaking Specific Authority 121.24(5) ~~121.031(4)~~ FS. Law Implemented 121.23(2)(b) FS. History–New 8-19-87, Formerly 22J-1.0049, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: State Retirement Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Retirement Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
 61G4-15.008 False Statements

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. Further the rule repeal will have no practical effect as the rule has been determined to be invalid by an Administrative law Judge.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. Further the rule repeal will have not practical effect as the rule has been determined to be invalid by an Administrative law Judge.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, 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 rule 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.

RULEMAKING AUTHORITY: 489.129(3) FS.

LAW IMPLEMENTED: 489.129(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.008 False Statements.

Rulemaking Specific Authority 489.129(3) FS. Law Implemented 489.129(3) FS. History–New 1-6-80, Formerly 21E-15.08, 21E15.008, Amended 7-18-94, 11-13-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-17.006
RULE TITLE: Mitigation; Notice of Mitigation and Aggravation

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, 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 rule 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.

RULEMAKING AUTHORITY: 455.2273, 455.2275 FS.

LAW IMPLEMENTED: 455.2273 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.006 Mitigation; Notice of Mitigation and Aggravation.

Rulemaking Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History–New 10-26-86, Formerly 21E-17.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-17.009
RULE TITLE: Violations of Provisions of This Chapter

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, 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 rule 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.

RULEMAKING AUTHORITY: 489.108, 489.129(3) FS.

LAW IMPLEMENTED: 489.129(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.009 Violations of Provisions of This Chapter.

Rulemaking Specific Authority 489.108, 489.129(3) FS. Law Implemented 489.129(3) FS. History--New 12-21-92, Formerly 21E-17.009, Amended 6-27-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.001
RULE TITLE: Florida Homeowners' Construction Recovery Fund

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The repeal of the rule will have no tangible effect.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The repeal of the rule will have no tangible effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, 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 rule 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.

RULEMAKING AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.140-.143 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.001 Florida Homeowners' Construction Recovery Fund.

Rulemaking Specific Authority 489.108 FS. Law Implemented 489.140-143FS. History--New 7-11-95, Amended 7-7-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.005
RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language and renumber the rule accordingly.

SUMMARY: The rule amendment will delete unnecessary language and renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During the 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 of 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.

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.

RULEMAKING AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.005 Probable Cause Determination.

(+) Probable cause determination as to a violation of Chapter 471, or 455, F.S., and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) board members or two (2) board members and one (1) past board member. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year. All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, F.S.

~~(2) Notwithstanding the procedure outlined in subsection (1) above, the Board hereby delegates to the Department the determination of probable cause when the only charge that otherwise would go before the probable cause panel is that of failure to comply with the Board's final order pursuant to Section 471.033(1)(k), F.S., and paragraph 61G15-19.001(6)(e), F.A.C. Should an investigation support charges in addition to the failure to comply with the Board's final order, the case shall be presented to the probable cause panel for a determination of probable cause.~~

~~Rulemaking Specific Authority 455.225 FS. Law Implemented 455.225 FS. History-New 1-8-80, Amended 4-5-81, Formerly 21H-18.05, 21H-18.005, Amended 11-15-94, 1-6-02, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:
64B5-1.025

RULE TITLE:
Delegation of Certification for
Licensure to Chair of Examination
Committee; When Permitted

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rule is being repealed because it is a delegation that does not need to be promulgated in rule.

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 this rule repeal 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.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.013(2) 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, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.025 Delegation of Certification for Licensure to Chair of Examination Committee; When Permitted.

~~Rulemaking Specific Authority 466.004(4) FS. Law Implemented 456.013(2) FS. History-New 4-19-87, Formerly 21G-1.025, 61F5-1.025, 59Q-1.025, Amended 5-20-01, Repealed _____.~~

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 28, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

<p>RULE NOS.:</p> <p>64B5-2.0125</p> <p>64B5-2.0126</p> <p>64B5-2.0155</p>	<p>RULE TITLES:</p> <p>Examination Security</p> <p>Conduct at Examination Site</p> <p>Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees</p>
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64B5-2.016 Evaluation of Credentials

PURPOSE AND EFFECT: The Board proposes to repeal the rules after an initial comprehensive review and a continued review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), *superseding* Fla. Exec. Order No. 11-72 (Apr. 8, 2011), *superseding* Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed as unnecessary, duplicative or inapplicable and conflicting based on Chapter 2011-95, Laws of Florida, which went into effective October 1, 2011 (creating a national exam for dentist in lieu of an independent created state examination).

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 this rule repeal 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 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: 456.004(5), 456.017(1)(d), 466.004, 466.004(4) FS.

LAW IMPLEMENTED: 466.006, 466.007, 456.017(1)(d), 456.079 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-2.0125 Examination Security.

Rulemaking Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History–New 3-25-90, Formerly 21G-2.0125, 61F5-2.0125, 59Q-2.0125, Repealed.

64B5-2.0126 Conduct at Examination Site.

Rulemaking Specific Authority 456.004(5), 466.004(4) FS. Law Implemented 456.017(1)(d), 456.079 FS. History–New 2-7-96, Amended 5-21-96, Formerly 59Q-2.0126, Amended 5-1-02, Repealed.

64B5-2.0155 Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees.

Rulemaking Specific Authority 466.004 FS. Law Implemented 466.006, 466.007 FS. History–New 11-16-89, Formerly 21G-2.0155, 61F5-2.0155, 59Q-2.0155, Repealed.

64B5-2.016 Evaluation of Credentials.

Rulemaking Specific Authority 466.004 FS. Law Implemented 466.006, 466.007 FS. History–New 10-8-79, Amended 10-26-80, 5-2-84, Formerly 21G-2.16, Amended 11-16-89, Formerly 21G-2.016, 61F5-2.016, 59Q-2.016, Repealed.

DEPARTMENT OF HEALTH

Board of Dentistry

<p>RULE NO.:</p> <p>64B5-2.014</p>	<p>RULE TITLE:</p> <p>Licensure Requirements for Applicants from Accredited Schools or Colleges</p>
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PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to incorporate by reference form DH-MQA 1182 and revise the application date.

SUMMARY: Unnecessary language will be deleted and revised form DH-MQA 1182 will be incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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.

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 64B5-2.014 follows. See Florida Administrative Code for present text.)

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist in the following manner:

(1) Dental Hygiene Candidates:

(a) Successfully complete the practical or clinical dental hygiene examination developed by American Board of Dental Examiners, Inc., (ADEX), as specified in Rule 64B5-2.0135, F.A.C., through the North East Regional Board of Dental Examiners, Inc.:

(b) Successfully complete the National Board Dental Hygiene Written Examination within 10 years prior to application:

(c) Submit a completed application for licensure, Dental Hygiene Application, Form DH-MQA 1210 (Rev 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry>. An applicant is eligible for licensure upon receipt of a completed application, passing scores from the ADEX clinical examination, National Board Dental Hygiene Examination, and successful completion of the written examination on the laws and rules of Florida regulating the practice of dentistry and dental hygiene. Applicants must comply with all time requirements for passing the examinations as specified in Rule 64B5-2.0135, F.A.C.

(2) Dental Candidates:

(a) Successfully complete the American Dental Licensing Examination (ADLEX) produced by the American Board of Dental Examiners, Inc., as specified in Rule 64B5-2.013, F.A.C., through the North East Regional Board of Dental Examiners, Inc., which includes the Diagnostic Skills Examination. Candidates who have completed the ADLEX after October 1, 2011 in another jurisdiction other than Florida and whose scores are over 365 days old are subject to additional application requirements as mandated in Section 466.006(4)3., Florida Statutes. Additionally, all Candidates who submit ADLEX scores from another jurisdiction other than Florida are subject to post licensure requirements as mandated in Section 466.006(6), Florida Statutes:

(b) Successfully complete the National Board of Dental Examiners Written Examination:

(c) Submit a completed application for licensure, Dental Application, DH-MQA-1182 (Rev. 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/maq/dentistry>. An applicant is eligible for licensure upon receipt of a completed application, passing scores from the ADLEX clinical examination, Diagnostic Skills Examination, National Board Dental Examination and successful completion of the written examination on the laws and rules of Florida regulating the practice of dentistry and dental hygiene. Applicants must comply with all time requirements for passing the examinations as specified in Rule 64B5-2.013, F.A.C.

(3) It is the applicant's responsibility to assure that the application for licensure is complete, including assuring that all required documents are submitted timely.

Rulemaking Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, ~~466.0075~~, 466.028 FS. History—New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, 3-16-06, 12-26-06, 4-26-10_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Dental Hygiene

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0146
 RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate by reference form DH-MQA 1254 and form DH-MQA 1182, and to make additions and deletions to implement the American Dental Licensing Examination required by Chapter 2011-95, Section 9, Laws of Florida (2011).

SUMMARY: The proposed changes will implement session law Chapter 2011-95, Laws of Florida (2011).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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.

RULEMAKING AUTHORITY: 466.004, 466.006(3) FS.

LAW IMPLEMENTED: 466.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

Prior to applying to taking the American Dental Licensing Examination (ADLEX), as specified in Rule 64B5-2.013, F.A.C., complete and submit Application for Credentials Review For Graduates From Non-Accredited Dental Colleges

or Schools, Form DH-MQA 1254, (10-11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

(1) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(a), F.S., will be required to:

(a) through (b) No change.

(c) Present to the Board ~~at least 30 days~~ prior to the dental examination the following documents:

1. through 2. No change.

2. A D.D.S. or D.M.D. issued by the dental school or a certified copy thereof.

(2) through (3) No change.

(4) After approval to sit for the ADLEX examination, the applicant shall successfully complete the practical or clinical examination which is the American Dental Licensing Examination (ADLEX) produced by the American Board of Dental Examiners and the Diagnostic Skills Examination, as specified in Rule 64B5-2.013, F.A.C., through the North East Regional Board of Dental Examiners, Inc. (NERB). Candidates who have completed the ADLEX after October 1, 2011 in another jurisdiction other than Florida are subject to additional requirements as stated in Section 466.006, Florida Statutes.

(5) After completion of the ADLEX examination, applicants shall submit Dental Licenser Application, Form DH-MQA 1182 (REV. 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

Rulemaking Authority 466.004(4), 466.006(3) FS. Law Implemented 466.006 FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05, 12-26-06, 6-30-09.

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: September 13, 2011; October 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

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 modify the disciplinary guidelines to comply with statutory mandates and 2011 legislative changes to Chapters 456 and 466, Florida Statutes.

SUMMARY: The rule amendment will modify the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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.

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 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 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

PENALTY RANGE

MINIMUM

MAXIMUM

(a) through (fff) No change.

(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)(ll) F.S.)

First Offense

Misdemeanor – \$10,000 fine, Reprimand

Misdemeanor – \$10,000 fine, suspension

Second Offense

\$10,000 fine, revocation

\$10,000 fine, revocation

(hhh) Failure to comply with the controlled substance prescribing requirements of Section 456.44, F.S. (456.072)(1)(mm), F.S.

First Offense

Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.00

Revocation and an administrative fine of \$10,000.00

<u>Second Offense</u>	<u>Suspension of license for a period of one (1) year followed by probation and an administrative fine in the amount of \$10,000.00</u>	<u>Revocation and an administrative fine in the amount of \$10,000.00</u>
<u>(iii) Providing false or deceptive expert witness testimony related to the practice of dentistry. (466.028)(1)(II), 2011 F.S.</u>		
<u>First Offense</u>	<u>Reprimand and an administrative fine of \$5,000.00</u>	<u>Revocation and an administrative fine of \$10,000.00</u>
<u>Second Offense</u>	<u>Revocation and an administrative fine of \$10,000.00</u>	<u>Revocation and an administrative fine of \$10,000.00</u>

(2) through (5) No change.

Rulemaking 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, 9-15-10, 12-2-10,_____.

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: September 13, 2011; October 28, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.: RULE TITLES:
64B5-15.024 Fees for Enforcement of Unlicensed Practice Prohibitions
64B5-15.030 One-Time Fee

PURPOSE AND EFFECT: The Board proposes to repeal the rules after a comprehensive review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed as duplicative of a statute and as no longer necessary, respectively.

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 repeals 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.

RULEMAKING AUTHORITY: 456.004, 456.065, 466.004(4), 466.015(1), (2) FS.
LAW IMPLEMENTED: 120.52(15), 456.025(5), 456.065(3) 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-15.024 Fees for Enforcement of Unlicensed Practice Prohibitions.

~~Rulemaking Specific~~ Authority 456.004 456.065, 466.004(4) FS. Law Implemented 456.065(3) FS. History—New 8-29-93, Formerly 61F5-15.024, 59Q-15.024, Amended 10-31-01, Repealed_____.

64B5-15.030 One-Time Fee Repeal.

~~Rulemaking Specific~~ Authority 456.025(4), 466.004(4), 466.015(1), (2) FS. Law Implemented 456.025(5) FS. History—New 10-23-07, Amended 4-27-08, Repealed_____.

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 28, 2011

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001
 RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language in sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C.

SUMMARY: Removing sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.

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.

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 11/11 02/10, incorporated by reference, which is available through www.doh.state.fl.us/mqa, and demonstrate to the Board that the applicant:

- (1) through (3)(b)1.e. No change.

~~f. Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.~~

g. through h. renumbered f. through g. No change.

~~i. Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).~~

2. No change

a. through d. No change.

~~3. Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.~~

Rulemaking Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08, 5-21-09, 8-10-09, 7-5-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.003
 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes of this rule amendments to address changes for initial licensure application and the English language requirement.

SUMMARY: Changes for initial licensure application and the English language proficiency requirement language.

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.

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 486.031, 486.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

An applicant filing DOH Form #DH-MQA 1142 Application for Licenser, Revised 11/11 02/10, which is available through www.doh.state.fl.us/mqa, and demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licenser in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licenser are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licenser in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 4-9-06, 5-21-09, 8-10-09, 6-9-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001
RULE TITLE: Licenser as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule to remove language in sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C.

SUMMARY: Removing sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.

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.

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 11/11 2/10, which is available through www.doh.state.fl.us/mqa, and demonstrate to the Board that the applicant:

(1) through (3)(b)1.e. No change.

~~f. Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.~~

g. through h. renumbered f. through g. No change.

2. No change.

a. through d. No change.

~~3. Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.~~

Rulemaking Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03, 4-9-06, 9-19-06, 5-21-09, 9-22-09, 9-28-09, 6-9-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.003
RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language requirement.

SUMMARY: Changes for initial licensure application and the English language proficiency requirement language.

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.

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.003 Licensure by Endorsement.

An applicant, filing DOH Form #DH-MQA 1142 Application for Licensure, Revised ~~11/11 02/10~~, which is available through www.doh.state.fl.us/mqa, and demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapist Assistants by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History--New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04, 4-9-06, 5-21-09, 9-28-09, 9-23-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011