

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.

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: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jessica McCawley, Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-12.0046 Commercial Fishing Season for King Mackerel in the Gulf-Atlantic Fishery; Commercial Season Segments, Vessel and Landing Limits.

(1) through (3) No change.

(4) Western Region – Persons harvesting king mackerel for commercial purposes from waters of the Western Region shall have a season that begins on July 1 of each year and continues through June 30 of the following year, unless closed sooner by operation of this subsection. These persons shall be subject to commercial vessel limits effective during segments of the season as follows:

(a) through (d) No change.

(e) King mackerel may be landed from April 1 through June 30 in Collier County when the Western Region of the Gulf-Atlantic Fishery has been closed, under the following conditions:

1. The king mackerel have been legally harvested from adjacent state or federal waters off Monroe County pursuant to Chapter 68B-30, F.A.C. or pursuant to Part 622 of the Code of Federal Regulations (CFR) for Atlantic migratory group king mackerel.

2. The king mackerel have been harvested pursuant to a Florida saltwater products license and restricted species endorsement (Section 379.362, F.S.) and a federal king mackerel permit (Part 622 CFR).

3. The transport of king mackerel through the closed state waters off Collier County is continuous and direct from the area open to harvest to the place of landing, and

4. All fishing gear is stowed during transit through the closed area.

(5) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History–New 10-1-90, Amended 12-4-91, 11-29-93, 12-28-95, 1-1-97, 1-1-98, Formerly 46-12.0046, Amended _____.

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.010
RULE TITLE: Reimbursement Contract

PURPOSE AND EFFECT: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, F.S.
SUMMARY: The rule is being amended to adopt the 2012/2013 Reimbursement Contract, including Addenda and Optional Amendment.

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.

A Reimbursement Contract, meeting the requirements set forth in Section 215.555, F.S., must be adopted annually pursuant to Section 215.555(4) and (18)(b), F.S. Upon review of the proposed changes to the upcoming Contract Year’s Reimbursement Contract, which is incorporated into Rule 19-8.010, F.A.C., Reimbursement Contract, the State Board of Administration of Florida has determined that the preparation of a Statement of Estimated Regulatory Costs is not necessary nor does this rule meet the statutory threshold for ratification by the legislature. The changes to this rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the 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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (17), (18) 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:

DATE AND TIME: November 21, 2011, 1:00 p.m. – 4:00 p.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341, tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracy Allen at the number or email listed above

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (17) No change.

(18) The reimbursement contract for the 2012-2013 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-XXXXXX>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2012K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 12/11 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2012 through May 31, 2013.

~~(19)~~(18) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 9-11-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
 RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify inmate uniform provisions and clarify security pen allocation.

SUMMARY: The proposed rule removes reference to dresses and slips and clarifies how security pens are to be allocated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

Based on information provided by the Bureau of Finance and Accounting indicating the changes only affect where the trust monies are directed within the Department and therefore have no effect on small business, as well as information indicating that the changes would not require any additional training or have any other regulatory cost, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 945.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.

(a) Class Uniforms will be as follows:

1. No change.

2. The female Class A uniform shall require the following:
 a. Either,

i. State issued outer shirt, T-shirt under outer shirt (permissible but not required to be worn underneath buttoned state issued outer shirt), state issued pants, and state issued web belt (except for state issued pants with elastic waistband not requiring a belt); or

~~ii. State issued dress, fully buttoned, with slip (dress shall not be worn in visitation or for work squad assignments including food service), T-shirt under dress (permissible but not required to be worn underneath buttoned state issued dress); or~~

~~ii.iii.~~ Pregnant inmates may wear maternity dresses.

b. through 5. No change.

6. Inmates shall wear either shorts or pants any time inmates are not in their beds, except that females may wear a ~~dress or~~ pajamas with a robe fully buttoned. Pants shall be completely buttoned before exiting the dormitory. The waist of pants and shorts shall be worn above the buttocks, around the natural waist.

7. through (3) No change.

(4) through (11) No change.

(12) Inmate health and comfort items shall be provided in accordance with the guidelines in the Inmate Health and Comfort Items – Issuance, Form NII-071. Form NII-071, Inmate Health and Comfort Items – Issuance, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is ~~October, 2011 5-24-11.~~

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History–New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.008
RULE TITLE: Certificate of Need Application Procedures

PURPOSE AND EFFECT: The agency is proposing to update the rule to add the CY 2012 and 2013 batching calendars for applications and to delete obsolete language in Rule 59C-1.008, F.A.C.

SUMMARY: The proposed rule is updated to include CY 2012 and 2013 batching calendar dates and reflect statutory changes that delete burn units and shared services programs currently listed in rule in Rule 59C-1.008, 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: There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.033, 408.034,408.036(2), 408.037, 408.038, 408.039, 408.042 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: Marisol Novak

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category “hospital beds and facilities” includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(l), F.S., and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(j), F.S., and except as provided in Section 408.037(2), F.S., for a general hospital. Unless otherwise directed by Section 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the applications and schedules described in paragraph (1)(f). The category “other beds and programs” includes proposals for pediatric open heart surgery, pediatric cardiac catheterization, ~~specialty burn units~~, organ transplantation, community nursing home projects, hospice programs, hospice inpatient facilities, and intermediate care facilities for the developmentally disabled.

(a) through (f) No change.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

<u>Hospital Beds and Facilities</u> <u>2nd Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	7-24-09
Letter of Intent Deadline	8-10-09
Application Deadline	9-09-09
Completeness Review Deadline	9-16-09
Application Omissions Deadline	10-14-09
Agency Initial Decision Deadline	12-11-10

<u>Hospital Beds and Facilities</u> <u>1st Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	1-22-10
Letter of Intent Deadline	2-08-10
Application Deadline	3-10-10
Completeness Review Deadline	3-17-10
Application Omissions Deadline	4-14-10
Agency Initial Decision Deadline	6-11-10

<u>Hospital Beds and Facilities</u> <u>2nd Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	7-23-10
Letter of Intent Deadline	8-09-10
Application Deadline	9-08-10
Completeness Review Deadline	9-15-10
Application Omissions Deadline	10-13-10
Agency Initial Decision Deadline	12-10-10

<u>Hospital Beds and Facilities</u> <u>1st Batching Cycle – 2011</u>	
Summary Need Projections Published in F.A.W.	1-21-11
Letter of Intent Deadline	2-07-11
Application Deadline	3-09-11
Completeness Review Deadline	3-16-11
Application Omissions Deadline	4-13-11
Agency Initial Decision Deadline	6-10-11

<u>Hospital Beds and Facilities</u> <u>2nd Batching Cycle – 2011</u>	
Summary Need Projections Published in F.A.W.	7-22-11
Letter of Intent Deadline	8-08-11
Application Deadline	9-07-11
Completeness Review Deadline	9-14-11
Application Omissions Deadline	10-12-11

Agency Initial Decision Deadline	12-09-11
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<u>Hospital Beds and Facilities</u> <u>1st Batching Cycle – 2012</u>	
Summary Need Projections Published in F.A.W.	<u>1-20-12</u>
Letter of Intent Deadline	<u>2-06-12</u>
Application Deadline	<u>3-07-12</u>
Completeness Review Deadline	<u>3-14-12</u>
Application Omissions Deadline	<u>4-11-12</u>
Agency Initial Decision Deadline	<u>6-08-12</u>

<u>Hospital Beds and Facilities</u> <u>2nd Batching Cycle – 2012</u>	
Summary Need Projections Published in F.A.W.	7-20-12
Letter of Intent Deadline	8-06-12
Application Deadline	9-05-12
Completeness Review Deadline	9-12-12
Application Omissions Deadline	10-10-12
Agency Initial Decision Deadline	12-07-12

<u>Hospital Beds and Facilities</u> <u>1st Batching Cycle – 2013</u>	
Summary Need Projections Published in F.A.W.	1-18-13
Letter of Intent Deadline	2-04-13
Application Deadline	3-06-13
Completeness Review Deadline	3-13-13
Application Omissions Deadline	4-10-13
Agency Initial Decision Deadline	6-07-13

<u>Hospital Beds and Facilities</u> <u>2nd Batching Cycle – 2013</u>	
Summary Need Projections Published in F.A.W.	7-19-13
Letter of Intent Deadline	8-05-13
Application Deadline	9-04-13
Completeness Review Deadline	9-11-13
Application Omissions Deadline	10-09-13
Agency Initial Decision Deadline	12-06-13

<u>Other Beds and Programs</u> <u>2nd Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	10-02-09
Letter of Intent Deadline	10-19-09
Application Deadline	11-18-09
Completeness Review Deadline	11-25-09
Application Omissions Deadline	12-23-09
Agency Initial Decision Deadline	2-19-10

Other Beds and Programs
1st Batching Cycle—2010

Summary Need Projections Published in F.A.W.	4-02-10
Letter of Intent Deadline	4-19-10
Application Deadline	5-19-10
Completeness Review Deadline	5-26-10
Application Omissions Deadline	6-23-10
Agency Initial Decision Deadline	8-20-10

Other Beds and Programs
2nd Batching Cycle—2010

Summary Need Projections Published in F.A.W.	10-01-10
Letter of Intent Deadline	10-18-10
Application Deadline	11-17-10
Completeness Review Deadline	11-24-10
Application Omissions Deadline	12-22-10
Agency Initial Decision Deadline	2-18-11

Other Beds and Programs
1st Batching Cycle – 2011

Summary Need Projections Published in F.A.W.	4-01-11
Letter of Intent Deadline	4-18-11
Application Deadline	5-18-11
Completeness Review Deadline	5-25-11
Application Omissions Deadline	6-22-11
Agency Initial Decision Deadline	8-19-11

Other Beds and Programs
2nd Batching Cycle – 2011

Summary Need Projections Published in F.A.W.	9-30-11
Letter of Intent Deadline	10-17-11
Application Deadline	11-16-11
Completeness Review Deadline	11-23-11
Application Omissions Deadline	12-21-11
Agency Initial Decision Deadline	2-17-12

Other Beds and Programs
1st Batching Cycle – 2012

Summary Need Projections Published in F.A.W.	3-30-12
Letter of Intent Deadline	4-16-12
Application Deadline	5-16-12
Completeness Review Deadline	5-23-12
Application Omissions Deadline	6-20-12
Agency Initial Decision Deadline	8-17-12

Other Beds and Programs
2nd Batching Cycle – 2012

Summary Need Projections Published in F.A.W.	9-28-12
Letter of Intent Deadline	10-15-12

<u>Application Deadline</u>	11-14-12
<u>Completeness Review Deadline</u>	11-21-12
<u>Application Omissions Deadline</u>	12-19-12
<u>Agency Initial Decision Deadline</u>	2-15-13

Other Beds and Programs
1st Batching Cycle – 2013

Summary Need Projections Published in F.A.W.	3-29-13
Letter of Intent Deadline	4-15-13
Application Deadline	5-15-13
Completeness Review Deadline	5-22-13
Application Omissions Deadline	6-19-13
Agency Initial Decision Deadline	8-16-13

Other Beds and Programs
2nd Batching Cycle – 2013

Summary Need Projections Published in F.A.W.	9-27-13
Letter of Intent Deadline	10-14-13
Application Deadline	11-13-13
Completeness Review Deadline	11-20-13
Application Omissions Deadline	12-18-13
Agency Initial Decision Deadline	2-14-14

(h) through (i) No change.

~~(j) Persons applying under a shared services agreement must each be named as an applicant for the Certificate of Need, with each separately meeting all requirements for application.~~

(2) through (5) No change.

Rulemaking Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.034, 408.036(2), 408.037, 408.038, 408.039, 408.042 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92. Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05, 10-9-07, 4-21-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marisol Novak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.001
RULE TITLE: Safety Standards

PURPOSE AND EFFECT: The proposed rule updates the elevator safety codes adopted by the division.

SUMMARY: The proposed rule adopts applicable American Society of Mechanical Engineers elevator safety codes; and removes adoption of the Florida Building Code, the inspection guide, fire safety rules, exclusions, and the conflict statement. The proposed rule provides information on obtaining materials incorporated by reference.

OTHER RULES INCORPORATING THIS RULE: 69A-47.011, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed rule will not effect Rule 69A-47.011, F.A.C., because that rule does not incorporate the 4-2-08 version of Chapter 61C-5, F.A.C., which is being amended by the proposed rule.

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 economic review conducted by the agency.

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

RULEMAKING AUTHORITY: 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.02 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.001 Safety Standards Adopted; Exclusions; and Conflicts.

(1) Safety Adopted Standards. The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, inclined and vertical wheelchair lifts, and inclined stairway chairlifts must comply with Chapter 399, Florida

Statutes (F.S.), and shall be governed by the following standards, which are hereby adopted and incorporated by reference.

(a) ASME A17.1-2007, Handbook on Safety Code for Elevators and Escalators, including ASME A17.1a-2008, Addenda to ASME A17.1-2007, and A17.1b-2009, Addenda to ASME A17.1-2007, effective March 15, 2012;

(b) ASME A17.3-1996, Safety Code for Existing Elevators and Escalators, effective March 15, 2012; and

(c) ASME A18.1-2008, Safety Standard for Platform Lifts and Stairway Chairlifts, effective March 15, 2012.

(2) Copies of ASME A17.1, ASME A17.3, and ASME A18.1 are available for purchase from the ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 or through the ASME website at www.asme.org. The division maintains a copy of each of the adopted codes available for review upon request.

~~(a) Chapter 30, Elevators and Conveying Systems, of the 2004 Florida Building Code, including the 2006 supplements;~~

~~(b) American National Standard Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2-2004; and~~

~~(c) The Uniform Fire Safety Standards for Elevators, Chapter 69A-47, F.A.C., established by the Department of Financial Services.~~

~~(2) Exclusions. This rule chapter shall not apply to manlifts, hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus. The following standards are specifically excluded from Chapter 30, Elevators and Conveying Systems, Florida Building Code, as incorporated by reference:~~

~~(a) ASME A90.1, American National Standard Safety Standard for Belt Manlifts;~~

~~(b) ASME B20.1, Safety Standard for Conveyors and Related Equipment; and~~

~~(c) ALI ALCTV, Safety Requirements for Automotive Lifts.~~

~~(3) When conflicts occur between provisions of the Florida Building Code and provisions of other adopted codes, the provisions of the Florida Building Code shall apply.~~

PROPOSED EFFECTIVE DATE: March 15, 2012.

Rulemaking Specific Authority 399.10 FS. Law Implemented 399.02 FS. History--Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00, 4-2-08, 3-15-12.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill L. Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.023
 RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose of this rule is to implement the statutory authority to issue citations for unlicensed elevator activity and adopt the required form.

SUMMARY: The proposed rule identifies violations subject to citation and a stop work order, adopts the citation and stop work order form, specifies required information for a citation, identifies the process for serving and responding to a citation, and adopts fines.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: Not applicable.

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 been prepared by the agency.

The rule will not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1million within 5 years. This rule does not impact personal income, non-farm employment, housing starts, or reduce visitors to Florida, wages or salaries, or property income. The rule is a statute enforcement mechanism that will not raise the price or reduce the quantity of goods or services provided or produced by Florida businesses, add regulation not present in other states, reduce Florida business workforces, or increase regulatory costs to the extent to prohibit product development or innovation, or make illegal any product or service. The annual increase in regulatory costs is approximately \$168,000, totaling \$840,000 over five years. The rule is estimated to impact 578 elevator owners, registered elevator companies, and elevator workers with 625 potential citations annually. Rule implementation and enforcement will not impose additional cost on the department or other state or local governments. The division estimates 552 elevator owners, 21 unlicensed personnel, and five elevator companies will be subject to a \$250 fine, while 45 elevator owners and two unlicensed personnel will be subject to a \$500 fine. Of the total entities impacted, approximately 360 are small businesses and two are small cities or small counties. The total small business, small city, and small county impact is limited to the cost of the fine and the time associated with

processing the citation, estimated at less than 30 minutes. The division believes this rule will provide an efficient enforcement mechanism not previously available that may also increase statutory compliance and public safety over the long run.

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:

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: 399.16 FS.

LAW IMPLEMENTED: 399.105, 399.16 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32399; (850)488-1133; Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.023 Citations.

(1) Upon a determination of probable cause, the division will issue a citation for:

(a) Performing work without a valid permit or license, or operating an elevator without a valid temporary operating permit as required under Chapter 399, F.S.

(b) Operating an elevator with a certificate of operation that has been expired for two or more consecutive years.

(2) The division will determine probable cause exists when personal observation or investigation by the division provides facts to support a reasonable belief that the violation has occurred.

(3) The citation must be issued using DBPR Form HR 5023-059, DISCIPLINARY CITATION AND STOP WORK ORDER, (https://www.flrules.org/Gateway/reference.asp?No=Ref-00706) incorporated herein by reference and effective 2011 September 29. The citation will constitute a stop work order only when issued under paragraph 1(a). A sample copy of this form is available from the Division of Hotels and Restaurants Internet website at www.MyFloridaLicense.com/dbpr/hr; by e-mail to dhr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

(4) The citation must contain a brief factual statement of the activity engaged in; the section of law allegedly violated; the penalty imposed; instructions on how to pay the citation; and a statement that, in lieu of accepting and paying the citation, the subject may choose to dispute the citation and proceed with an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The citation must be issued to a natural person, elevator owner, or elevator company and contain the following information, if available or applicable:

(a) Subject's full name and date of birth;

(b) Subject's division-issued license number or registration number, whether current or expired, or subject's drivers license number or any other identifying information;

(c) Subject's last known address and telephone number; and

(d) Notification that the citation is issued as a stop work order.

(5) The citation must be served upon the subject by personal service or by certified mail. When the division issues DBPR Form HR 5023-059 as a stop work order, the activity identified on the citation must immediately stop upon receipt of the citation.

(6) A citation issued under paragraph (1)(a) will result in the following fines:

(a) Constructing, installing, altering, or relocating an elevator without obtaining a permit, in violation of Section 399.03(1), F.S., will result in a fine of \$250 for the first offense and \$500 for the second offense.

(b) Operating an elevator or allowing an elevator to operate for temporary use during installation or alteration without a valid temporary operating permit, in violation of Section 399.03(10), F.S., will result in a fine of \$250 for the first offense and \$500 for the second offense.

(c) Performing work that requires licensure as an elevator inspector without a license or with an expired license, in violation of Section 399.17, F.S., will result in a fine of \$250 for the first offense and \$500 for the second offense.

(d) Performing work that requires licensure as an elevator technician without a license or with an expired license, in violation of Section 399.01(14), F.S., will result in a fine of \$250 for the first offense and \$500 for the second offense.

(7) A citation issued under paragraph (1)(b) will result in a fine of \$250 for the first offense and \$500 for the second offense. Citations issued under paragraph (1)(b) will be dismissed if a valid certificate of operation has been obtained before the citation becomes a final order.

(8) The division will issue a citation for first and second offenses of the same violation. A third offense of the same violation will result in the issuance of an administrative complaint.

(9) The subject has 30 days from the date the citation is served to accept the citation or request a hearing pursuant to Chapter 120, F.S., in writing. If the subject does not request a

hearing within 30 days after the date the citation is served, the citation will become a final order on the 90th day after the day the citation has been served.

(10) Violations of paragraph (1)(b) that are not corrected within 90 days of the date the citation has been served will result in the issuance of a new citation for a second offense of the same violation.

(11) All fines are due and payable within 30 days of the date the citation becomes a final order. All fine payments are to be made payable to the Division of Hotels and Restaurants.

(12) The division will approve an installment payment plan for up to 5 months for fines imposed by a citation if the fines impose a financial hardship. An installment payment plan must be requested within 30 days of the date the citation becomes a final order.

(13) Once the citation becomes a final order, it will be filed in accordance with procedures established for the filing of final orders by the department.

Rulemaking Authority 399.16 FS. Law Implemented 399.105, 399.16, FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-2.010

RULE TITLE: Return of Previously Issued Licenses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal 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 rule is an unnecessary regulation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3), 489.513, 489.515, 489.521 FS.

LAW IMPLEMENTED: 489.521 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-2.010 Return of Previously Issued Licenses.

Rulemaking Specific Authority 489.507(3), 489.513, 489.515, 489.521 FS. Law Implemented 489.521 FS. History--New 11-15-92, Formerly 21GG-2.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0035
RULE TITLE: Certification of Registered Contractors

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 rule will be repealed due to the fact that the time period by which to apply has passed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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

the rule amendment 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 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: 489.507(3), 489.514 FS.

LAW IMPLEMENTED: 489.513(3), 489.514, 489.517 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0035 Certification of Registered Contractors.

Rulemaking Specific Authority 489.507(3), 489.514 FS. Law Implemented 489.513(3), 489.514, 489.517 FS. History--New 11-12-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.009
RULE TITLE: Endorsement

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 rule will be repealed due to the fact that the rule is a substantial recitation of statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3), 489.511(6) FS.

LAW IMPLEMENTED: 489.511(9) 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.009 Endorsement.

Rulemaking Authority 489.507(3), 489.511(6) FS. Law Implemented 489.511(9) FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.09, 21GG-5.009, Amended 2-13-97, 5-5-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-9.008
RULE TITLE: Course Syllabus

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 rule will be repealed due to the fact that the rule is duplicative of a provision in another rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RARTIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3) FS.

LAW IMPLEMENTED: 489.517(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 RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.008 Course Syllabus.

Rulemaking Specific Authority 489.507(3) FS. Law Implemented 489.517(3) FS. History—New 11-30-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-9.0105
RULE TITLE: Proof of Completion by Certification Holders and Registrants

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 rule will be repealed due to the fact that reporting is now done electronically.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3), 489.509, 489.517 FS.

LAW IMPLEMENTED: 489.517 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.0105 Proof of Completion by Certification Holders and Registrants.

Rulemaking Specific Authority 489.507(3), 489.509, 489.517 FS. Law Implemented 489.517 FS. History--New 9-23-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-9.013
RULE TITLE: Continuing Education Courses Required by Disciplinary Action

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 rule will be repealed due to the fact that information found in the rule can be specified in the final order.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3) FS.

LAW IMPLEMENTED: 489.517(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 RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.013 Continuing Education Courses Required by Disciplinary Action.

Rulemaking Specific Authority 489.507(3) FS. Law Implemented 489.517(3) FS. History--New 11-30-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.001
 RULE TITLE: Purpose

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 rule will be repealed due to the fact that the rule is not enforceable; the rule recites legislative purpose.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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, 489.507(3) FS.

LAW IMPLEMENTED: 455.2273 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.001 Purpose.

Rulemaking Specific Authority 455.2273, 489.507(3) Law Implemented 455.2273 History--New 1-1-87, Formerly 21GG-10.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-12.004
 RULE TITLE: Continuing Education Requirements for Fire Alarm System Agents

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal 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 rule will be repealed due to the fact that the rule is a substantial recitation of statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the 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 the rule amendment 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 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: 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.5185(4)(d), (5) 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-12.004 Continuing Education Requirements for Fire Alarm System Agents.

Rulemaking Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.5185(4)(d), (5) FS. History--New 2-18-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.008
 RULE TITLE: Adoption of Model Rules of Procedure

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) 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: 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:

61G15-18.008 Adoption of Model Rules of Procedure.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(5) FS. History--New 1-8-80, Formerly 21H-18.08, 21H-18.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.010
 RULE TITLE: Approved Schools and Colleges

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 1471.008, 471.013 FS.

LAW IMPLEMENTED: 471.013 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: 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:

61G15-18.010 Approved Schools and Colleges.

Rulemaking Specific Authority 1471.008, 471.013 FS. Law Implemented 471.013 FS. History--New 1-8-80, Formerly 21H-18.10, 21H-18.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.015
RULE TITLE: Education Advisory Committee

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.008 FS.

LAW IMPLEMENTED: 471.008, 471.013 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: 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:

61G15-18.015 Education Advisory Committee.

Rulemaking Specific Authority 471.008 FS. Law Implemented 471.008, 471.013 FS. History—New 8-18-87, Amended 2-18-88, Formerly 21H-18.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-19.003
RULE TITLE: Purpose

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.033(2) FS.

LAW IMPLEMENTED: 471.001, 471.033 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: 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:

61G15-19.003 Purpose.

Rulemaking Specific Authority 471.033(2) FS. Law Implemented 471.001, 471.033 FS. History—New 5-14-86, Formerly 21H-19.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-19.008
RULE TITLE: Confidentiality of Investigations
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.

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.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.038(6) FS.
LAW IMPLEMENTED: 471.038(6) 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: 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:

61G15-19.008 Confidentiality of Investigations.

Rulemaking Specific Authority 471.038(6) FS. Law Implemented 471.038(6) FS. History--New 5-20-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.007
RULE TITLE: Noncompliance
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.

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.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.038(6) FS.
LAW IMPLEMENTED: 471.038(6) 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: 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:

61G15-22.007 Noncompliance.

Rulemaking Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017, 471.019 FS. History--New 9-16-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-35.001
 RULE TITLE: General Responsibility

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.008, 1471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033, 471.045 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: 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:

61G15-35.001 General Responsibility.

Rulemaking Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 471.045 FS. History--New 3-21-01, Amended 9-26-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-35.002
 RULE TITLE: Definitions

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.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. 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. These rule amendments will not require ratification by the Legislature.

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: 471.008, 1471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033, 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: 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:

61G15-35.002 Definitions.

Rulemaking Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History--New 3-21-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.017 RULE TITLE: Acceptable Variance of Examiners

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language.

SUMMARY: The proposed changes will delete unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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(4), 466.006(5)(d) FS.

LAW IMPLEMENTED: 466.006(5)(d) 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:

64B5-2.017 Acceptable Variance of Examiners.

(1) through (2) No change.

(3) ~~Failure of an applicant in any clinical procedure may be documented on the grading sheet by the examiner. Documentation may be accomplished through the use of "comments" contained on the grade sheet. The "comments" section may contain any technical terms or charts that define, illustrate or otherwise explain the criteria utilized in grading a particular procedure. For the purpose of expedience and brevity in grading, appropriate "comments" may be noted by recording "comments" on an optical scan field contained on the grade sheet. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the actual marking of the presence of errors for specific teeth shall be considered documentation. When there exists a discrepancy on~~

~~the grade sheet between the handwritten grade and the grade penciled in on the optical scan field and the discrepancy cannot be resolved by an examination of the grade sheet, the handwritten grade shall be accepted as the intended grade.~~

Rulemaking Authority 466.004(4)(3), 466.006(5)(d)(4)(b)5. FS. Law Implemented 466.006(5)(d)(4) FS. History—New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended 10-12-04, 10-10-10, _____.

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-1.001 RULE TITLE: Abbreviations and Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete unnecessary definitions and clarify the duties involved in "Direct Supervision".

SUMMARY: The purpose of this amendment is to delete unnecessary language and clarify duties involved in "Direct Supervision".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006 FS.

LAW IMPLEMENTED: 464.003, 464.008 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-1.001 Abbreviations and Definitions.

Unless otherwise defined in a specific rule, the following abbreviations and terms as used throughout these rules shall have the following meaning:

~~(1) "Board" means the Florida Board of Nursing.~~

~~(2) "Department" means the Florida Department of Health.~~

~~(1)(3) "LPN" means a licensed practical nurse.~~

~~(2)(4) "RN" means a registered nurse.~~

~~(3)(5) "ARNP" means an advanced registered nurse practitioner certified pursuant to Section 464.012, F.S.~~

~~(4)(6) "IPN" means the Intervention Project for Nurses, Incorporated.~~

~~(5)(7) "NCSBN" means the National Council of State Boards of Nursing, Incorporated.~~

~~(6)(8) "NCLEX" means the National Council Licensure Examination.~~

~~(7)(9) "NCLEX-CAT" means the National Council Licensure Examination – Computer Adaptive Testing.~~

~~(8)(10) "Direct supervision" means the physical presence within the patient care unit of a registered professional nurse who assumes legal responsibility for the nursing practice of nursing students student nurses or graduate nurses or graduate practical nurses being supervised and who provides direction and consultation for the nursing actions of such nursing students.~~

~~(9)(11) "Biennial" and "Biennium" refer to the twenty-four month licensure cycle. Pursuant to Section 456.004(1), F.S., should the Agency extend or stagger renewals, fees and continuing education hours now based on twenty-four months shall be prorated to the licensure cycle length established.~~

~~Rulemaking Specific Authority ~~120.53(1)~~, 464.006 FS. Law Implemented 464.003, 464.008 FS. History—New 12-5-93, Formerly 61F7-1.001, Amended 9-13-94, Formerly 59S-1.001, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.001 Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete obsolete language.

SUMMARY: The purpose of this amendment is to delete obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006, 464.022(4) FS.

LAW IMPLEMENTED: 464.008(1)(b), 464.015(4), 464.022(4) 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.001 Definitions.

(1) No change.

(2) Approved Program Equivalent – nursing program conducted in a school, college or university outside the State of Florida which has been approved by the Board of Nursing in the jurisdiction in which it is located, if such Board exists, and which demonstrates that it meets the education criteria in Section 464.019 Chapter 64B9-2, F.A.C. rules.

(3) through (5) No change.

~~(6) First examination for which eligible—as used in these rules means the first nursing licensure examination which an applicant is eligible to take within six months following completion of the requirements for the licensure level for which the application is submitted.~~

~~(6)(7) High School Diploma Equivalent.~~

(a) through (e) No change.

~~(7)(8)~~ Practical Nursing Education Equivalency – professional nursing courses of study, successfully completed with a grade of “C-” or better, which meet the standards of practical nursing education required in approved practical nursing programs in Florida.

~~(8)(9)~~ Proof of graduation – a certificate, diploma, degree, official transcript, or other official document which indicates that an applicant has met all educational and institutional requirements.

Rulemaking Specific Authority 464.006, 464.022(4) FS. Law Implemented 464.008(1)(b), 464.015(4), ~~464.019~~, 464.022(4) FS. History–New 4-27-80, Amended 7-11-83, Formerly 21O-8.20, Amended 3-3-87, Formerly 21O-8.020, 61F7-3.001, Amended 7-5-95, 11-15-95, Formerly 59S-3.001, Amended 11-2-98, 1-22-01, 2-17-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.003
RULE TITLE: Practice of Nursing by Applicant for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete obsolete language.

SUMMARY: The purpose of this amendment is to delete obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006 FS.

LAW IMPLEMENTED: 464.015(3), (4), 464.022(4) 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.003 Practice of Nursing by Applicant for Licensure by Examination.

(1) No applicant for licensure by examination will be permitted to practice nursing unless:

(a) The applicant has submitted the required application and fee to the Department ~~for the first licensing examination for which eligible~~, and

(b) The applicant has been authorized by the Board to practice as a graduate nurse or graduate practical nurse, and has been authorized to test by the examination vendor.

(2) Any applicant who is a graduate nurse, or a graduate practical nurse, shall practice nursing only under the direct supervision of a registered professional nurse. The Board may require periodic reports from the supervisor or employers of a graduate nurse or graduate practical nurse whom the Board finds has violated the provisions of Section 464.018(1), F.S. Such a finding shall be made at the time of consideration of the application.

(3) An applicant who fails the first, or any subsequent examination, shall not practice nursing until such time as the applicant passes a nursing licensing examination.

~~(4) Any applicant who fails to appear for the first examination for which eligible shall not practice nursing until such time as the applicant passes a licensing examination.~~

~~(4)(5)~~ An applicant who is eligible to write the professional examination but elects to write the practical examination on the basis of practical nursing education equivalency and fails the practical examination shall not be granted Graduate Nurse status when the applicant applies to write the professional examination.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.015(3), (4), 464.022(4) FS. History–New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.22, Amended 3-3-87, 12-8-87, Formerly 21O-8.022, 61F7-3.003, Amended 9-19-94, 5-9-95, Formerly 59S-3.003, Amended 1-22-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification
 PURPOSE AND EFFECT: The Board proposes to delete unnecessary language.

SUMMARY: The rule amendment will delete unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), 464.012, 464.018(1)(b), (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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.002 Requirements for Certification.

(1) through (4) No change.

(5) Pursuant to Section 456.048, F.S., all ARNP's shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for certification shall submit proof of compliance with Section 456.048, F.S. or exemption to the Board office within sixty days of certification or be in violation of this rule. All certificateholders shall submit such proof as a condition of biennial renewal or reactivation. Acceptable coverage shall include:

(a) Professional liability coverage of at least \$100,000 per claim with a minimum annual aggregate of at least \$300,000 from an authorized insurer under Section 624.09, F.S., a surplus lines insurer under Section 626.914(2), F.S., a joint underwriting association under Section 627.351(4), F.S., a self-insurance plan under Section 627.357, F.S., or a risk retention group under Section 627.942(9), F.S.; or

(b) An unexpired irrevocable letter of credit as defined by Chapter 675, F.S., which is in the amount of at least \$100,000 per claim with a minimum aggregate availability of at least \$300,000 and which is payable to the ARNP as beneficiary. ~~Any person claiming exemption from the financial responsibility law pursuant to Section 455.2456(2), F.S., must timely document such exemption at initial certification, biennial renewal, and reactivation.~~

(c) No change.

Rulemaking Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06, 6-4-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.004
 RULE TITLE: Requirements for Documentation
 PURPOSE AND EFFECT: The Board proposes this rule amendment to correct grammar for clarity.

SUMMARY: The rule amendment will correct grammar for clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006, 464.012 FS.

LAW IMPLEMENTED: 464.012 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.004 Requirements for Documentation.

(1) A Registered Nurse applying for initial certification as an Advanced Registered Nurse Practitioner shall submit with a completed application the following:

(a) Documentation acceptable to the Board that the educational program attended meets the program guidelines stipulated in subsections 64B9-4.003(1) ~~or and~~ (2), F.A.C.

(b) Proof acceptable to the Board of satisfactory completion of the educational program which shall consist of:

1. An official Registrar's copy of the applicant's transcript shall be sent directly to the Board from the school and shall denote successful completion of the formal post-basic program or awarding of the masters' degree in a nursing clinical specialty;

2. A verification form prescribed by the Board submitted by the director of the advanced nursing program indicating successful completion with the official school seal;

3. Documentation which demonstrates compliance with subsection 64B9-4.003(2), F.A.C. ~~or~~ -

4. No change.

(c) Documentation of national certification by a national nursing specialty board identified in Rule 64B9-4.002(3) or documentation of certification by a specialty board that meets the requirements set forth in Rule 64B9-4.002(4), by submitting:

1. A notarized true and correct copy of the original or recertification specialty board certificate;

2. Such other documentary proof which evidences certification by an appropriate specialty board; ~~or~~

3. No change.

Rulemaking Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History--New 8-31-80, Amended 10-6-82, Formerly 21O-11.25, Amended 3-19-87, Formerly 21O-11.025, 61F7-4.004, Amended 5-29-96, 2-12-97, Formerly 59S-4.004, Amended 4-5-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-4.013 Recertification

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete obsolete language.

SUMMARY: The purpose of this amendment is to delete obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006 FS.

LAW IMPLEMENTED: 456.036(5), 456.048, 464.012 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.013 Recertification.

(1) No change.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board:

(a) through (b) No change.

(c) Proof of current national certification ~~if required~~.

(3) No change.

Rulemaking Authority ~~464.006, 464.014~~ FS. Law Implemented 456.036(5), ~~456.048~~, 464.012, ~~464.014~~, ~~455.711(5)~~ FS. History--New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, 4-5-00, 9-6-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-5.003 Standards for Continuing Education
PURPOSE AND EFFECT: The Board proposes this change to correct the rule to conform to previous amendment to Rule 64B9-5.001, F.A.C.

SUMMARY: The purpose of this amendment is to correct the rule to conform to previous amendment to Rule 64B9-5.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006 FS.

LAW IMPLEMENTED: 464.013(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 RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-5.003 Standards for Continuing Education.
- (1) through (5) No change.
- (6) Contact Hour Criteria.
 - (a) All offerings shall be at least 60 ~~50~~ minutes in length or one (1) contact hour.
 - (b) Increments of 30 ~~25~~ minutes will be accepted when the offering extends beyond the one (1) contact hour.
 - (c) No change.
- (7) through (8) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History--New 2-14-90, Formerly 21O-22.001, 61F7-11.001, 59S-11.001, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-5.006 Procedure Relating to the Faculty/Authors

PURPOSE AND EFFECT: The Board proposes this change to correct the rule to conform to previous amendment to rule 64B9-5.001.

SUMMARY: The purpose of this amendment is to correct the rule to conform to previous amendment to rule 64B9-5.001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006, 464.013(4), 464.014 FS.

LAW IMPLEMENTED: 464.013(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 RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-5.006 Procedure Relating to the Faculty/Authors.

(1) through (4) No change.

(5) The number of contact hours to be awarded to each licensed nurse who participates in a continuing education program as either a lecturer or author is based on the 60 ~~50~~ minute contact hour employed within this rule chapter.

Rulemaking Specific Authority 464.006, 464.013(4), 464.014 FS. Law Implemented 464.013(4) FS. History—New 6-8-89, Formerly 21O-13.013, Amended 9-28-93, Formerly 61F7-5.006, 59S-5.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-7.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose of this amendment is to include renewal fees for persons who are licensed as both CNS and ARNP and correct the initial license fee for registered and practical nurses.

SUMMARY: The rule amendment will include renewal fees for persons who are licensed as CNS and ARNP's and correct the initial license fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.013.(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (2) No change.

(3) Initial license as a registered nurse or a licensed practical nurse seventy-five (\$75.00) ~~eighty dollars (\$80.00)~~.

(4) through (9) No change.

(10) For renewal of an RN/CNS/ARNP license certificate, two hundred five dollars (\$205.00).

(10) through (12) renumbered (11) through (13) No change.

(d) For renewal of an RN/CNS/ARNP license certificate, one hundred thirty (\$130.00).

~~(14)(13)~~ (a) through (c) No change.

(d) For an RN/CNS/ARNP license certificate, ninety-five dollars (\$95.00).

(14) through (18) renumbered (15) through (19) No change.

Rulemaking Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, 12-21-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009 and May 13, 2011

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-11.001 RULE TITLE: Medical Records of Deceased Nurse

PURPOSE AND EFFECT: The purpose of this amendment is to add Certified Nurse Specialists to licensees required to comply with procedures for disposal of medical records.

SUMMARY: The purpose of this amendment is to add Certified Nurse Specialists to licensees required to comply with procedures for disposal of medical records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the 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. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 456.058 FS.

LAW IMPLEMENTED: 456.058 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-11.001 Medical Records of Deceased Nurse.

(1) Each Registered Nurse (RN), Certified Nurse Specialist (CNS) or Advanced Registered Nurse Practitioner (ARNP) engaged in private practice, who maintains possession of client/patient medical records, shall ensure that the executor, administrator, personal representative or survivor of such licensee RN or ARNP shall arrange to maintain those medical records in existence upon the death of the licensee RN or ARNP for a period of at least two (2) years from the date of the death of the licensee RN or ARNP.

(2) Within one (1) month from the date of death of the licensee RN or ARNP, the executor, administrator, personal representative or survivor shall cause to be published in the newspaper of greatest general circulation in the county where the licensee RN or ARNP practiced, a notice indicating to the clients/patients of the deceased licensee RN or ARNP that the

nurse's medical records are available to the clients/ patients or their duly constituted representative from a specific person at a certain location.

(3) At the conclusion of a 22-month period of time from the date of death of the licensee RN or ARNP or thereafter the executor, administrator, personal representative or survivor shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in the county where the licensee RN or ARNP practiced, a notice indicating to the clients/patients of the deceased nurse that client/patient records will be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice.

Rulemaking Specific Authority 456.058 FS. Law Implemented 456.058 FS. History--New 2-14-90, Formerly 21O-22.001, 61F7-11.001, 59S-11.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-11.002 RULE TITLE: Medical Records of Nurses

Relocating or Terminating Practice

PURPOSE AND EFFECT: The Board proposes this change to add Certified Nurse Specialists to licensees required to comply with procedures for management of medical records.

SUMMARY: The purpose of this amendment is to add Certified Nurse Specialists to licensees required to comply with procedures for management of medical record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.058 FS.

LAW IMPLEMENTED: 456.058 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-11.002 Medical Records of Nurses Relocating or Terminating Practice.

(1) No change.

(2) Each Registered Nurse, Certified Nurse Specialist (R.N.) or Advanced Registered Nurse Practitioner (A.R.N.P.) engaged in private practice, who maintains possession of client/patient medical records, shall, when terminating or relocating practice in such a manner as to no longer be reasonably available to clients/patients, notify each client/patient of such termination or relocation and unavailability. Such notification shall consist of at least causing to be published, in the newspaper of greatest general circulation in each county in which the nurse practices or practiced, a notice which shall contain the date of termination or relocation and an address at which medical records may be obtained. Such notice shall be published no less than 4 times over a period of at least 4 weeks. In addition, the nurse shall place in a conspicuous location in or on the facade of the nurse's office, a sign, announcing the termination or relocation of the practice. The sign shall be placed at least thirty (30) days prior to the termination or relocation and shall remain until the date of termination or relocation. Both the notice and the sign shall advise the clients/patients of their opportunity to transfer or receive their medical records. Furthermore, each such licensee shall see that client/patient records are maintained and may be obtained by the client/patient for a minimum of 2 years after the termination or relocation of practice.

Rulemaking Specific Authority 456.058 FS. Law Implemented 456.058 FS. History—New 6-6-90, Formerly 21O-22.002, 61F7-11.002, 59S-11.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:
64B9-12.005

RULE TITLE:
Competency and Knowledge
Requirements Necessary to Qualify
the LPN to Administer IV Therapy

PURPOSE AND EFFECT: The Board proposes this change to delete reference to repealed rules.

SUMMARY: The rule will delete reference to repealed rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.006 FS.

LAW IMPLEMENTED: 464.003(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 RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-12.005 Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy.

(1) through (3) No change.

(4) Educational Alternatives. The cognitive training shall include one or more of the following:

(a) Post-graduate Level Course. ~~In recognition that the curriculum requirements mandated by subsection 64B9 2.006(3), F.A.C., for practical nursing programs are extensive and that every licensed practical nurse will not administer IV Therapy, the course necessary to qualify a licensed practical nurse to administer IV therapy shall be not~~

less than a thirty (30) hour post-graduate level course teaching aspects of IV therapy containing the components enumerated in subsection 64B9-12.005(1), F.A.C.

- (b) through (c) No change.
- (5) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.003(3)(b) FS. History--New 1-16-91, Formerly 21O-21.005, 61F7-12.005, Amended 7-15-96, Formerly 59S-12.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-15.011	In-Service Training Requirements for Certified Nursing Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to broaden the in-service training title from HIV/AIDS to Bloodborne Pathogens.

SUMMARY: The rule amendment will broaden the in-service training title from HIV/AIDS to Bloodborne Pathogens.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 464.202, 464.203(7) FS.

LAW IMPLEMENTED: 456.024, 464.203(7), 464.2085 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: Joe Baker, Jr., Executive Director, Board of Nursing /MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.011 In-Service Training Requirements for Certified Nursing Assistants.

- (1) No change.
- (2) Every 2 years, in-service training hours shall include, but are not limited to, the following areas:
 - (a) Bloodborne Pathogens HIV/AIDS, Infection Control;
 - (b) through (g) No change.
 - (3) through (6) No change.

Rulemaking Specific Authority 464.202, 464.203(7) FS. Law Implemented 456.024, 464.203(7), 464.2085 FS. History--New 5-25-03, Amended 9-26-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-3.019	Address of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to set standards for electronic notification of change of address.

SUMMARY: The proposed changes will set standards for electronic notification of change of address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.035, 463.005(1) FS.

LAW IMPLEMENTED: 456.035 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: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.019 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification by certified mail or via electronic media of the licensee's current mailing address and place of practice within 10 days upon change thereof. When electronic Notification is used, it is the responsibility of the licensee to ensure that the electronic notification was received by the department. Electronic notification to the department shall be sent only using an email option that generates an electronic return receipt and that the licensee requesting the change address have an email address of record with DOH before electronic notification can be used. It requires the notification to DOH must be made using the licensee's previously established email address of record. The term "place of practice" means the address(es) of the physical location(s) where the licensee practices optometry.

Rulemaking Specific Authority 456.035, 463.005(1) FS. Law Implemented 456.035 FS. History--New 12-22-94, Formerly 59V-3.019 Amended 3-8-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.002 Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to take into account the varying scheduling of the annual clinical exam so re-exam applicants are not barred because the first exam taken was scheduled several weeks earlier than the retake exam.

SUMMARY: The proposed changes will take into account the varying scheduling of the annual clinical exam so re-exam applicants are not barred because the first exam taken was scheduled several weeks earlier than the retake exam.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.017(2), 463.005 FS.

LAW IMPLEMENTED: 456.017(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: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.002 Reexamination.

An applicant who fails Part I or Part II of the state examination for licensure shall be required to retake only that portion of the examination on which he or she failed to achieve a passing grade, provided that the applicant shall be limited to two (2) retakes within a twenty-eight (28) month ~~two (2) year~~ period from the date of original failure. The Board may grant an extension of time of one additional year to allow a second retake based on medical disability substantiated by documentation from the applicant's physician. If the applicant fails to achieve a passing grade as provided above, he or she shall be required to take the complete state examination for licensure and certification examination in order to be entitled to be licensed.

Rulemaking Specific Authority 456.017(2), 463.005 FS. Law Implemented 456.017(2) FS. History--New 11-13-79, Amended 10-3-82, 4-7-85, 7-9-85, Formerly 21Q-4.02, Amended 11-20-86, 4-20-93, Formerly 21Q-4.002, 61F8-4.002, Amended 11-21-94, Formerly 59V-4.002, Amended 7-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 20, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.006
RULE TITLE: Security and Monitoring Procedures
for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish security and monitoring procedures for licensure exam.

SUMMARY: The proposed changes will set standards for electronic notification of change of address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording or Rule 64B13-4.006 follows. See Florida Administrative Code for present text.)

64B13-4.006 Security and Monitoring Procedures for Licensure Examination.

(1) The licensure examination specified in Rule 64B13-4.001, F.A.C., shall be administered in compliance with the security and monitoring procedures set forth by the Board in this rule.

(2) The test site(s) used for administration of the licensure examination shall be approved by the Board no later than ninety (90) days prior to administration of the licensure examination.

(3) The examination supervisor(s) and examination proctors are responsible for maintaining a secure and proper examination administration. The examination supervisor(s) and the qualifications to be possessed by individuals wishing to serve as a examination proctor must be approved by the Board no later than ninety (90) days prior to administration of the licensure examination.

(4) An examinee will not be admitted to the examination site unless the examinee presents a valid admission slip for the specific licensure examination and a government issued photo identification (e.g., valid driver's license or passport). Provided, however, a government issued photo identification shall be acceptable in the absence of the admission slip only if the examinee's name appears on the examination admission roster previously prepared for that specific examination.

(5) Examinees and/or their patients shall not be in possession of electronic devices including cellular telephones, personal digital assistants (pda), pagers, or cameras at the examination site.

(6) If the examinee arrives at the designated examination site after the designated starting time, the examinee shall not be permitted to take the examination. Provided, however, if the examination has not begun, the examination supervisor may permit the examinee to take the examination if there is no risk to the integrity or security of the examination.

(7) Any individual determined by the examination supervisor to have engaged in conduct which subverts or attempts to subvert the examination process shall be immediately removed from the examination site. Any conduct which subverts or attempts to subvert the examination process, or other irregularities, shall be immediately documented in writing by the examination supervisor. Following completion of the examination, the Board shall consider any such written documentation prepared by the examination supervisor(s) and shall determine if any further action is warranted. Examples of further action that may be taken include, but are not limited to, withholding or declaring invalid scores on the examination.

disqualification from future licensure examinations, disqualification from the practice of optometry, and imposition of other appropriate sanction by the Board.

(8) For the purpose of this rule, conduct which subverts or attempts to subvert the examination process includes:

(a) Conduct which violates the security of the examination materials, such as removing from the examination site any of the examination materials (e.g., examination questions, booklets, answer sheets, electronic files, and examination papers and materials); reproducing or reconstructing any portion of the licensure examination; aiding by any means in the reproduction or reconstruction of any portion of the licensure examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a prior, current, or future licensure examination.

(b) Conduct which violates the standard of test administration, such as disrupting the examination site, inappropriately communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any appliances, tools, books, notes, written or printed materials or data of any kind, other than the examination materials distributed or specifically listed as approved materials for the examination in the information provided to the examinee in advance of the examination by the Board, Department, or contracted vendor. In cases where the examinee is found to be in possession of items other than those distributed at the examination site or specifically listed as approved materials for the examination in the information provided to the examinee in advance of the examination by the Board, Department, or contracted vendor, the minimum sanction shall be to declare the examinee's scores on the examination to be invalid.

(c) Conduct which violates the credentialing process, such as falsifying information required for admission to the examination; impersonating an examinee; or having an impersonator take the licensure examination on one's behalf.

(9) To avoid compromising the integrity of the examination question bank and thereby risking the validity of the licensure examination,

(a) Questions/case presentations used on the licensure examination, including the format of questions/case presentations, shall be regularly written, updated and/or modified by experts appointed by the board in conjunction with the department, and the same or similar question/case presentation shall not be repeated, when feasible, more than once every three (3) years;

(b) The written portion of the licensure examination shall be administered only for a one (1) day time period twice yearly at a location approved by the board; and

(c) The practical portion of the licensure examination shall be administered only for a two (2) day time period at a location approved by the board.

Rulemaking Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 6-6-82, Formerly 21Q-4.06, 21Q-4.006, 61F8-4.006, 59V-4.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.005
 RULE TITLE: Designation of Administrative Violations; Major; Minor

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement Ch. 2011-112, Laws of Florida.

SUMMARY: The proposed change will implement Ch. 2011-112, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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 FS.

LAW IMPLEMENTED: 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 RULE IS: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.005 Designation of Administrative Violations; Major; Minor.

(1) Violations of the following statutory and rule provisions are considered to be Minor Administrative Violations:

(a) through (j) No change.

(k) Section 456.072(1)(nn), F.S., violating any provision of Section 790.383, F.S.

(2) through (3) No change.

Rulemaking Authority 456.079 FS. Law Implemented 456.079 FS. History—New 2-24-87, Formerly 21Q-15.005, 61F8-15.005, Amended 8-18-96, Formerly 59V-15.005, Amended 5-1-02, 7-6-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
 RULE TITLE: Documentation of Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes to amend rule language to include ABC certification for pedorthists, update the application including adding BCP to the application instructions, and, add a board approved medical records course as a requirement for licensure.

SUMMARY: New language is being added for mandatory courses and to modify the application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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: 468.802 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 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: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(3)(a) or (b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, 11/10 8/08, herein incorporated by reference, which is available from the Board office or at the board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(a) through (d) No change.

(e) Documentation of completion of the mandatory courses, and, beginning December 1, 2011 of a Board approved medical records course.

(2) In order to establish eligibility for licensure as an orthotic fitter under Section 468.803(4)(c), F.S., the applicant must provide at a minimum:

(a) through (d) No change.

(e) Documentation of completion of the mandatory courses, and, beginning December 1, 2011 of a Board approved medical records course.

(3) In order to establish eligibility for licensure as an orthotic fitter assistant under Section 468.803(4)(d), F.S., the applicant must provide at a minimum:

(a) through (c) No change.

(d) Documentation of completion of the mandatory courses.

(4) In order to establish eligibility for licensure as a pedorthist under Section 468.803(3)(e), F.S., the applicant must provide at a minimum:

(a) through (c) No change.

(d) Documentation of completion of the mandatory courses.

~~(5) Each applicant, as a condition to initial licensure, shall attend and provide proof of attending, a Board approved two-hour course relating to the prevention of medical errors. The course must include a study of root-cause analysis, error reduction and prevention, and patient safety.~~

Rulemaking Specific Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History—New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06, 4-19-09, 4-12-10,_____.

NAME OF PERSON ORIGINATING RULE: Board of Orthotists and Prosthetists
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists
 DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.005
 RULE TITLE: Documentation of Eligibility for Registration

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish necessary documentation of eligibility for registration and incorporates by reference the registration form.

SUMMARY: This rule amendment is being proposed to establish necessary documentation of eligibility for registration and incorporates by reference the registration form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.005 Documentation of Eligibility for Registration.

(1) In order to establish eligibility for registration as an orthotic, or prosthetic, resident or intern under Section 468.803(3)(a) or (b), F.S., the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA 1126, 11/2010 44/08, hereby adopted and incorporated by reference, which is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(a) through (d) No change.

(e) Documentation of completion of the mandatory courses, and, beginning December 1, 2011, of a Board approved medical records course.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 12-9-10, Amended.

NAME OF PERSON ORIGINATING RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The Board is revising and incorporating by reference the Registration Supervisor Update form required.

SUMMARY: The Board is revising and incorporating by reference the Registration Supervisor Update form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) If a change in supervisor is required, the applicant must submit a completed Registration Update Supervisor Update Form ~~Registration in an Orthotic or Prosthetic Internship/Residency Program~~, form number DH-MQA 1133, 11/10 07/09, which is available from the Board office or the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended 7-2-07, 5-28-09, 4-11-10, 11-9-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-40.040
 RULE TITLE: Contracts and Grants

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is the repeal of Rule 69I-40.040, F.A.C., because it is outdated and no longer necessary.

SUMMARY: This rule repeal is part of the comprehensive review of existing rules that agencies were mandated to conduct pursuant to Executive Order 11-01 (superseded by 11-72). Rule 69I-40.040, F.A.C., "Contracts and Grants," is being repealed because the procedure it provides has not been

used for eight years. The process used today is embodied in CFO Memo 2 (2010-2011). Under Section 120.52(16)(c)2., F.S. memoranda, are instructions to state agencies issued by the CFO relating to claims for payments submitted by state agencies falling outside the definition of "rule" and are therefore exempt from the requirements of Section 120.54, F.S. 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.

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: 17.14, 17.29 FS.

LAW IMPLEMENTED: 17.001, 17.03, 17.14, 215.42 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: Tuesday, November 29, 2011, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Merry, (850)413-3704 or Mark.Merry@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Merry, Bureau Chief, Bureau of Auditing, Division of Accounting and Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0355, (850)413-3704 or Mark.Merry@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-40.040 Contracts and Grants.

Rulemaking Specific Authority 17.14, 17.29 FS. Law Implemented 17.001, 17.03, 17.14, 215.42 FS. History—New 10-21-75, Formerly 3A-40.40, Amended 1-8-95, Formerly 3A-40.040, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mark Merry, Bureau Chief, Bureau of Auditing, Division of
 Accounting and Auditing, Department of Financial 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: September 17, 2011

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
 RULE NOS.: RULE TITLES:
 40E-1.6058 Publication and Requests for
 Notification of Permit Applications
 or Notices of Intent
 40E-1.607 Permit Application Processing Fees
 40E-1.659 Forms and Instructions

Section III
Notices of Changes, Corrections and
Withdrawals

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

RULE NO.: RULE TITLE:
 18-14.002 Determination of Fines
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

- 18-14.002 Determination of Fines.
- (1) through (2) No change.
- (3) Payment of all or part of a fine shall ~~may~~ be waived based on the criteria in subsections 18-14.002(2) and (5), F.A.C., when purposes of Chapter 253, F.S., and the rules promulgated thereunder are not frustrated, and when fairness would result.
- (4) through (5) No change.

CONTACT: Mary VanTassel, DEP, 2600 Blair Stone Rd., MS 2500, Tallahassee, FL 32399-2400; telephone (850)245-8486; or e-mail Mary.VanTassel@dep.state.fl.us.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-4.331 Modification of Permits
 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.
 Correction is made to the date listed as the date the Notice of Rule Development appeared in Florida Administrative Weekly from September 27, 2011 to the correct date of October 7, 2011.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly.

- 40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.
 - (2)(b) Within 14 days of filing notice of intent to use a general permit or application for a standard general permit, persons qualifying for the use thereof are not required to, but may publish notice of such filing in a newspaper of general circulation, as defined in Chapter 50, F.S., in the area affected by the proposed project. Proof of publication shall be submitted to the District within 14 days of publication.
- PROPOSED EFFECTIVE DATE: December 15, 2011

40E-1.607 Permit Application Processing Fees.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)
 PERMIT APPLICATION PROCESSING FEES FOR
 ENVIRONMENTAL RESOURCE PERMIT
 APPLICATIONS
 REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40,
 AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$859
All others	\$3,500

- (6)(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 0889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:
 - 1. through 5. No change.
- Form 0889, effective date December 2011, is incorporated by reference herein and availables Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.
- PROPOSED EFFECTIVE DATE: December 15, 2011