

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-13.005	Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board is required to periodically review the information it has gathered with regard to the five most misdiagnosed conditions and revise its rule regarding continuing education to address the five most misdiagnosed conditions.

SUBJECT AREA TO BE ADDRESSED: Continuing education with regard to the five most misdiagnosed conditions.

RULEMAKING AUTHORITY: 456.013(6), (7), 456.031(4), 456.033, 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-4.001	Examination Requirements

PURPOSE AND EFFECT: The purpose of this amendment is to extend the time period with which all portions of the licensure exam must be passed.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

RULEMAKING AUTHORITY: 456.017(1), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(1), 463.006(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-4.001	Purpose
5M-4.002	Approved Guidance on the Implementation of Best Management Practice
5M-4.003	Recordkeeping
5M-4.004	Presumption of Compliance
5M-4.005	Record Keeping

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide guidance for potato producers in the Tri-County Agricultural Area on the implementation of Best Management Practices contained in the 2005 Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops manual.

SUMMARY: The proposed rule provides guidance for the implementation of Best Management Practices for Tri-County Agricultural Area potato producers and adopts this guidance by reference in this 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: None of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered.

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

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

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 5M-4.001 follows. See Florida Administrative Code for present text.)

5M-4.001 Purpose .

The purpose of this rule is to provide guidance to potato operations in the Tri-County Agricultural Area (Flagler, Putnam, and St. Johns counties) that submit a Notice of Intent to implement applicable Best Management Practices contained in the 2005 Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops manual adopted in Rule 5M-8.002, F.A.C. This guidance is in addition to any other BMPs in the manual applicable to individual operations and to any requirements under Rule Chapter 5M-8, F.A.C.

Rulemaking Specific Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New 10-16-03, Amended _____.

(Substantial rewording of Rule 5M-4.002 follows. See Florida Administrative Code for present text.)

5M-4.002 Approved Guidance on the Implementation of Best Management Practices ~~Approved Interim Measure Best Management Practices.~~

The document titled Best Management Practices for Potato Operations in the Tri-County Agricultural Area When Applying More than IFAS-Recommended Rates for Nitrogen

and Phosphorus, July 18, 2011, is hereby incorporated and adopted by reference in this rule for potato operations in Flagler, Putnam, and St. Johns counties that submit a Notice of Intent to implement applicable Best Management Practices contained in the 2005 Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops manual adopted in Rule 5M-8.002, Florida Administrative Code. Copies of the incorporated document may be obtained from the Office of Agricultural Water Policy by calling (850)617-1729 or sending an email to AgBmpHelp@FreshFromFlorida.com, or may be accessed online at <http://www.flrules.org/Gateway/reference>.

Rulemaking Specific Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New 10-16-03, Amended _____.

(Substantial rewording of Rule 5M-4.003 follows. See Florida Administrative Code for present text.)

5M-4.003 ~~Recordkeeping Notice of Intent to Implement.~~

In addition to any recordkeeping requirements contained in the 2005 Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops adopted in Rule 5M-8.002, Florida Administrative Code, all participants affected by this rule must preserve sufficient documentation to confirm implementation of the practices identified for recordkeeping in Best Management Practices for Potato Operations in the Tri-County Agricultural Area when Applying More than IFAS-Recommended Rates for Nitrogen and Phosphorus, July 18, 2011. Such documentation is subject to inspection upon request, in accordance with a mutually agreed-upon time and manner.

Rulemaking Specific Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New 10-16-03, Amended _____.

5M-4.004 Presumption of Compliance.

Rulemaking Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New 10-16-03, Repealed _____.

5M-4.005 Record Keeping.

Rulemaking Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New 10-16-03, Repealed _____.

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

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

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

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

DEPARTMENT OF CITRUS

RULE NO.: 20-69.002
 RULE TITLE: Requirements for Use of Imported Products

PURPOSE AND EFFECT: Amendment requested by USDA to ensure the safety requirements for use of imported products.
 SUMMARY: Ensuring the safety requirements for use of imported products.

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: After review, this rule imposes no new standards; rather it is incorporating by reference those federal standards already in place and being used by the industry as its standards. 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: 601.10(1),(7), 601.11 FS.
 LAW IMPLEMENTED: 601.10(7), 601.11, 601.155 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: Alice Wiggins, License & Regulation Specialist, Florida Department of Citrus, P. O. Box 9010, Bartow, FL 33831-9010 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-69.002 Requirements for Use of Imported Products.

Processed citrus products, in any form, processed in other areas and imported into Florida, may be reprocessed, blended, mixed or repackaged only under the following condition:

The product is graded by the United States Department of Agriculture (USDA) and deemed fit for human consumption and is accompanied by a certificate of Grade issued by USDA and product is certified to meet applicable requirements of the United States Standards for Grades of Orange Juice, Eff. 1-10-83; United States Standards for Grades of Grapefruit Juice, Eff 9-12-83; United States Standards for Grades of Canned Tangerine Juice, Eff 7-1-69; United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice, Eff. 9-21-68, incorporated by reference and

U.S. Food and Drug Administration, Code of Federal Regulations, Title 21, Chapter 1, Parts 1-1299, Volumes 1-8, Eff. 4-1-11, incorporated herein by reference.

~~(1) A certificate of inspection, issued by an inspector licensed or recognized by the United States Department of Agriculture, and a signed statement issued by a duly authorized representative of the licensed citrus fruit dealer who intends to reprocess the imported citrus product, shall accompany each and every shipment or lot of such product.~~

~~(a) The certificate of inspection shall affirmatively show:~~

~~1. That the imported product satisfied every requirement of the U.S. Food and Drug Administration, Department of Citrus rules, the Florida Statutes and applicable U.S. Grade Standards, with respect to fitness for human consumption and freedom from foreign materials, and~~

~~2. In the Grade Statement portion of the certificate, that the product "MEETS REQUIREMENTS OF FLORIDA DEPARTMENT OF CITRUS RULE CHAPTER 20-69."~~

~~(b) The signed dealer statement shall affirmatively show that the imported citrus product meets the following requirements:~~

~~1. That the fruit from which the product was produced met the minimum maturity requirements as set forth in Florida Statutes and Department of Citrus rules, except that there shall be no requirement as to minimum acid, and~~

~~2. That the imported product is free of additives of any kind as defined by the Florida Statutes, and has a sodium value less than 50 ppm when calculated at a reconstituted degree Brix and in a manner prescribed in Section 6.18.1 through 6.18.3 of the Citrus Handbook issued by the United States Department of Agriculture, March 1993, and paragraph (6) of this section and~~

~~3. That the imported product meets all requirements of Florida Department of Citrus rule Chapter 20-69, F.A.C.~~

~~(c) If accompanied by a USDA certificate in accordance with paragraph 20-69.002(1)(a), F.A.C., sampling and inspection by the USDA shall be limited to additives as defined by the Florida Statutes.~~

~~(2) If the product is not accompanied by a USDA certificate and signed dealer statement in accordance with subsection 20-69.002(1), F.A.C., of this section, the imported product, prior to use, must be sampled and inspected by the USDA, Processed Products Branch, Winter Haven Field Office, and certified as follows:~~

~~(a) That the imported product meets all requirements of the U.S. Food and Drug Administration, and the Florida Statutes, and all applicable U.S. Grade Standards with respect to fitness for human consumption and freedom from foreign materials, and that the imported product is free of additives of any kind as defined by Florida Statutes.~~

~~(b) The Grade Statement portion of the certificate, shall state: "MEETS REQUIREMENTS OF FLORIDA DEPARTMENT OF CITRUS RULE CHAPTER 20-69."~~

~~(3) If the product is not accompanied by a signed dealer statement in accordance with subsection 20-69.002(1), F.A.C., of this section, a statement issued and signed by a duly authorized representative of the licensed citrus fruit dealer who intends to reprocess the imported product must be filed with the USDA which affirmatively verifies that:~~

~~(a) The fruit from which the product was produced met the minimum maturity requirements as set forth in Florida Statutes and Department of Citrus rules, except that there shall be no requirement as to minimum acid, and~~

~~(b) That the imported product is free of additives of any kind as defined by the Florida Statutes, and has a sodium value less than 50 ppm when calculated at a reconstituted degree Brix and in a manner prescribed in Section 6.18.1 through 6.18.3 of the Citrus Handbook issued by the United States Department of Agriculture, March 1993, and subsection (6) of this section, and~~

~~(c) That the imported product meets all requirements of Florida Department of Citrus rule Chapter 20-69, F.A.C.~~

~~(4) All processed citrus products containing imported product, shall be subject to all provisions of the Florida Statutes and Department of Citrus rules relating to grading and inspection, which are applicable to Florida citrus products.~~

~~(5) Prior to product being tested a "lot" shall be defined in a manner as defined in 7 CFR Part 52.2, September 1986. No lot of imported citrus product failing to meet the requirements of this rule shall be reprocessed in any manner, or blended with any other citrus product.~~

~~(6) Retesting of Failed Lots:~~

~~(a) Where lots of imported processed citrus products are found to exceed the maximum sodium levels prescribed by this chapter, at the request of the processor, such product may be retested, provided product has not been co-mingled with other lots of citrus products.~~

~~(b) Retesting of lots will be sampled and tested by individual containers and passage or failure will be determined by averaging of all analysis.~~

~~(c) In the event passing product is co-mingled with product that has failed, all such co-mingled product shall be deemed to have failed and may not be retested.~~

Rulemaking Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.155 FS. History—Formerly 105-1.27(2), Revised 1-1-75, Amended 3-16-80, Formerly 20-69.02, Amended 6-9-91, 1-19-93, 10-15-95, 6-8-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debra J. Funkhouser, Acting Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Debra J. Funkhouser, Acting Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.1010
RULE TITLE: Point of Entry into Proceedings

PURPOSE AND EFFECT: The purpose of this rulemaking is to delete the requirement set forth in subsection 40D-1.1010(6), F.A.C., for certain permit applicants to publish notice of agency decision on their application. Based upon the Governor’s directive to identify and delete or amend rules that are no longer necessary, duplicative of statute or unduly burdensome, the District has determined to delete this requirement. The effect will be to make publication of notices of agency action voluntary for permittees.

SUMMARY: In accordance with Executive Order 11-72, the District’s Regulatory Plan for 2011-2012 identifies rulemaking proposals to eliminate unnecessary burdens, reduce costs and achieve other streamlining benefits for the regulated public. One of these initiatives is to delete the requirement set forth in subsection 40D-1.1010(6), F.A.C., for certain permit applicants to publish notice of agency decision on their application. The District will continue to advise permittees of the benefits of publishing notices of agency action, but such publication will be voluntary. This amendment will make the District’s procedural rules more consistent with those of the other water management districts and the Department of Environmental Protection.

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 are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that 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: 120.54(5), 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 FS.

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

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 Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.tate.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Martinez, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, (4660) (OGC #2011065)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.1010 Point of Entry into Proceedings.

(1) through (5) No change.

~~(6) Applicants for individual permits and all other applicants required to publish notice of application receipt pursuant to Rule 40D 1.603, F.A.C., shall be required to publish at their expense written notice of a District decision on the application. The applicant shall cause the notice to be published as soon as possible after notification by the District of its intended action.~~

Rulemaking Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 FS. History—New 7-2-98, Amended 11-2-08, 11-2-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Moore, Senior Attorney, Office of General Counsel

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-55.0021 Discipline of Electrolysis Facilities

PURPOSE AND EFFECT: To provide stronger penalty options for disciplining electrolysis facilities.

SUMMARY: To provide stronger penalty options for disciplining electrolysis facilities.

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: During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.037, 478.43(1) FS.

LAW IMPLEMENTED: 456.072(2)(b), (c), (d), 456.037, 478.52(1)(k), (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: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.0021 Discipline of Electrolysis Facilities.

Any business establishment that provides electrolysis services must have an active status license in order to provide such services. Failure to obtain and maintain an active status license as a licensed electrolysis facility pursuant to Rule 64B8-51.006, F.A.C., shall be subject to discipline as follows:

(1) A business establishment offering electrolysis services without an active status license shall:

(a) through (b) No change.

(c) Pay a fine equal to all licensure and renewal fees that would have been due for the time of operation without an active status license up to a maximum of \$ 5,000 or denial of license.

(2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:

(a) No change.

(b) The facility licensure shall be suspended or revoked for up to one year;

(c) No change.

Rulemaking Specific Authority 456.037, 478.43(1) FS. Law Implemented 456.072(2)(b), (c), (d) 456.037, 478.52(1)(k), (2) FS. History--New 3-1-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:

64B24-1.001 Purpose

64B24-1.003 Council’s Official Headquarters

PURPOSE AND EFFECT: The purpose and effect of the proposal is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, out of date, or no longer necessary.

SUMMARY: These rules were identified during the comprehensive rule review as communicating information that is out of date, redundant, and partially duplicative of statute, and thus appropriate for repeal. There are no other rules incorporating these rules.

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: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., F.S.

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

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 467.002, 467.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256, Telephone: (850)245-4161

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-1.001 Purpose.

Rulemaking Specific Authority 456.004(5) FS. Law Implemented 467.002 FS. History--New 1-26-94, Formerly 61E8-1.001, 59DD-1.001, Repealed.

64B24-1.003 Council’s Official Headquarters.

Rulemaking Specific Authority 467.005 FS. Law Implemented 467.004 FS. History--New 1-26-94, Formerly 61E8-1.003, 59DD-1.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony Jusevitch, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:

64B24-3.018 One Time Fee Assessment

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

SUMMARY: This rule was identified during the comprehensive rule review as no longer necessary because the objective of the rule was accomplished and discipline imposed on those who failed to comply. Thus, this rule is appropriate for repeal. There are no other rules incorporating this 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 repeal of this rule has no impact and imposes no costs whatsoever.

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

RULEMAKING AUTHORITY: 456.025(5), 467.005, 467.0135 FS.

LAW IMPLEMENTED: 456.025(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: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256; Telephone: (850)245-4161

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.018 One Time Fee Assessment.

Rulemaking Specific Authority 456.025(5), 467.005, 467.0135 FS. Law Implemented 456.025(5) FS. History–New 6-23-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anthony Jusevitch, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2011

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-5.001 RULE TITLE: Renewal of Midwifery License

PURPOSE AND EFFECT: The purpose and effect of the proposal is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, out of date, or no longer necessary.

SUMMARY: This rule was identified during the comprehensive rule review as communicating information that is out of date, redundant, partially duplicative of statute and, thus, appropriate for repeal. There are no other rules incorporating this 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: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., F.S.

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

RULEMAKING AUTHORITY: 456.004(5) FS.

LAW IMPLEMENTED: 456.004(1), 467.013(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: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256, Telephone: (850)245-4161

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-5.001 Renewal of Midwifery License.

Rulemaking Specific Authority 456.004(5) FS. Law Implemented 456.004(1), 467.013(3) FS. History–New 1-26-94, Formerly 61E8-5.001, 59DD-5.001, Amended 10-16-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anthony Jusevitch, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-2.016
 RULE TITLE: Residential Fee Collection

PURPOSE AND EFFECT: The purpose of this new rule is to allow for the equitable collection of third party benefits from clients that receive funds in excess of their person needs allowance and room and board payments. This rule will have the effect of reducing excessive and unnecessary payments to clients or their representative payees, and will help to prevent clients from being disqualified from Medicaid due to the availability of excess funding.

SUMMARY: This rule provides for the payment of an adult client's room and board in a licensed residential facility and allows the agency to assess a fee upon third-party benefits that an adult client receives in excess of his or her personal needs allowance and room and board costs.

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:

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: 393.501(1), 402.33 FS.

LAW IMPLEMENTED: 402.33 FS.

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

DATE AND TIME: February 3, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

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: Fran Blanton, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)922-4204, fran_blanton@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fran Blanton, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)922-4204, fran_blanton@apd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-2.016 Residential Fee Collection.

(1) This rule applies to all clients, as defined in Section 393.063, Florida Statutes, who are eighteen years of age or older, who receive residential habilitation services, and who live in a foster care facility, group home facility, residential habilitation center, or comprehensive transitional education program, licensed pursuant to Section 393.067, Florida Statutes.

(2) Definitions. For the purposes of this operating procedure, the following terms shall be defined as follows:

(a) Agency. As defined in Section 393.063, F.S., the term means the Agency for Persons with Disabilities.

(b) Client. As defined in Section 393.063, F.S., the term means any person determined eligible by the agency for services under Chapter 393, F.S.

(b) Personal Needs Allowance. A portion of the third party benefit payment that must be set aside and used for the direct benefit of the client.

(c) Residential Habilitation. Supervision and specific training activities that assist the client to acquire, maintain or improve skills related to activities of daily living. The service focuses on personal hygiene skills such as bathing and oral hygiene; homemaking skills such as food preparation, vacuuming and laundry; and on social and adaptive skills that enable the client to reside in the community. This training is provided in accordance with a formal implementation plan, developed with direction from the client and reflects the client's goal(s) from their current support plan.

(d) Room and Board Payment. Reimbursement to the operators of facilities or programs licensed pursuant to Section 393.067, Florida Statutes, to cover the cost of providing food and shelter to Agency clients (who also receive residential habilitation services) in accordance with Chapter 65G-2 of the Florida Administrative Code.

(e) Third party benefits. As defined in Section 402.33, F.S., the term means moneys received by or owing to a client or responsible party because of the client's need for or receipt of services such as those provided by the agency. This term includes, but is not limited to, Medicare payments, workers' compensation, and Supplemental Security Income.

(3) Room and Board Payment Rates. Providers serving clients who receive residential habilitation services within a facility licensed pursuant to Section 393.067, Florida Statutes, will receive a room and board payment which is dependent upon the amount of third party benefits the client receives.

(4) Payments to Providers:

(a) The room and board payment is calculated by subtracting a personal needs allowance (\$93.58 per month) from the client's third party monthly benefit. The room and board (\$543.42) payment is then subtracted from the remaining benefit amount. If the third party benefit minus the client's personal needs allowance and room and board amount exceeds \$637, the balance less federal exceptions shall be subject to the provisions in subsection (5) below.

(b) For clients receiving residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, whose monthly third party benefits minus the personal needs allowance are less than \$543.42, the provider will receive a room and board payment equal to the difference between \$543.42 and the amount the client receives from third party benefits.

(5) Fees assessed:

(a) For clients receiving residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, whose monthly third party benefits minus the personal needs allowance are greater than \$543.42, the client or client's representative payee must send a payment to Agency for Persons with Disabilities that is equal to the difference between the total amount of monthly third party benefits that the client received and the total cost of the room and board payments plus the client's personal allowance (\$637.00).

(b) Payments made pursuant to paragraph (5)(a) must be sent to the local APD area office by the 15th day of the month after receipt of the third party benefit payments. If the 15th of the month falls on a weekend or national holiday, then the payment due date will be the next business day immediately thereafter. Checks or money orders should be made payable to Agency for Persons with Disabilities (or APD). Individuals or organizations serving as the representative payees for third party benefit payments should submit a single check or money order to the Agency each month.

(c) Clients or representative payees for clients may include federally approved exemptions or deductions in the calculation of the fees assessed pursuant to this subsection.

(6) Mandatory Monthly Reports to the Agency.

(a) Every client or representative payee for a client, including a facility or program licensed pursuant to Section 393.067, Florida Statutes, must report to the appropriate APD area office by the 15th day of the month. The report must include a calculation for each client that includes:

a. The total third party benefit payments that the client receives;

b. The amount to be subtracted from the client's third-party benefits for payment of the client's room and board and for the client's personal needs allowances;

c. Each individual federally approved deduction or exemption that the client has included in the calculation; and

d. The total amount owed to the provider pursuant to subsection (4) of this rule or the total amount of the fee assessed pursuant to subsection (5) of this rule.

(b) If the monthly report described in this subsection indicates that a fee should be assessed to the client's third party benefits pursuant to subsection (5) of this rule, the client or representative payee for the client must also include a payment of the assessed fee with the monthly report.

(c) If the 15th day of the month falls on a weekend or national holiday, then the payment due date will be the next business day immediately thereafter.

(7) Review of Assessed Fees.

(a) Substantially affected individuals may request a review the fees assessed upon their third party benefit payments by submitting a request for review to the applicable area office in writing.

(b) If the substantially affected individuals still disagree with the fees assessed upon their third party benefit payments after their request for review, they may request an administrative hearing pursuant to Section 393.125, Florida Statutes.

Rulemaking Authority 393.501(1), 402.33 FS. Law Implemented 402.33 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ball, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 315M, Tallahassee, Florida 32399, (850)414-8479

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Hansen, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2011

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

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

DEPARTMENT OF CITRUS

RULE NO.: 20-64.001 RULE TITLE: Grades Established
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

Pursuant to review by JAPC, the following correction is made to this rule: