

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.420  
 RULE TITLE: Registered Pharmacy Technician Responsibilities

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the acceptable duties of registered pharmacy technicians.

SUBJECT AREA TO BE ADDRESSED: Registered Pharmacy Technician Responsibilities.

RULEMAKING AUTHORITY: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

RULE NOS.: 73A-2.001, 73A-2.002, 73A-2.003  
 RULE TITLES: Certification for Retained Spring Training Facilities, Decertification for Spring Training Baseball Facilities, Certification for New or Retained Professional Sports Franchise

PURPOSE AND EFFECT: This rulemaking updates the application and certification processes for certification of spring training facilities and adopts such processes applicable to professional sports franchise facilities. The rule also provides a process for decertification of certified spring training facilities.

SUBJECT AREA TO BE ADDRESSED: Incentives for economic development related to the sports industry, and specifically certification of potential recipients thereof and decertification of those receiving incentives.

RULEMAKING AUTHORITY: 288.11621(8), 288.1162(2) FS.

LAW IMPLEMENTED: 288.11621, 288.1162 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: Katherine Morrison, Division of Strategic Business Development, Department of Economic Opportunity, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)717-8973. 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.226  
 RULE TITLE: Youthful Offender Program Participation

PURPOSE AND EFFECT: The purpose of the rule is to amend provisions relating to sentence modification and protocol in the Youthful Offender Program. The effect is to clarify and define the requirements for “successful completion” of the Youthful Offender program leading to a Departmental recommendation for sentence modification, to set forth the Extended Day Program Phases and process by which sentence modification is recommended, and to generally clarify the Youthful Offender program protocol, including what circumstances result in remediation, ineligibility for sentence modification or removal from the program.

SUMMARY: The rule amends provisions relating to sentence modification and protocol in the Youthful Offender program. It adds new definitions, clarifies program phases and generally defines the protocol that must be successfully completed for a Departmental recommendation of sentence modification.

**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 analysis from the Bureau of Classification and Central Records indicating that the rule change only affects internal operations of the Department by permitting more flexibility in where a youthful offender program will be located and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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: 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, 958.04, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.04, 958.11, 958.12 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

### 33-601.226 Youthful Offender Program Participation.

(1) Each youthful offender institution shall provide a programmatically diversified extended day of 16 hours of required inmate participation six days a week, contingent upon available resources.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the Office of Institutions.

(3) Definitions. Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) Bureau of Classification Management – the bureau in the central office responsible for the overall classification system in the department, including reception, facility, work, program, and custody assignments, disciplinary processes, population management, maintaining active and inactive inmate records, overseeing and auditing all the processes involved with sentencing documents received from the courts, and controlling inmates' prison commitment as well as the coordination of release processes. After the youthful offender

has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. Disciplinary record;
2. Gain time earned, forfeited or withheld and reasons for the action taken;
3. Academic and vocational accomplishments;
4. Work assignments which would assist the youthful offender in obtaining future employment;
5. Counseling programs;
6. Substance abuse programs;
7. Other programs and objectives specifically recommended for the youthful offender; and
8. Release placement plan prepared by probation and parole office staff which will include proposed residence, employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment;

#### 9. Nature of offense and length of sentence.

(b) Extended Day Program – a 16-hour per day, multi-phase program at designated youthful offender institutions designed to reduce inmate idleness and improve a youthful offender's chance of successful re-entry into the community. The evaluation of the youthful offender's eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and, once approved, signed by the ICT and a representative of the SCO.

(c) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office. Prior to making a recommendation for sentence modification, the inmate's classification officer shall send a Victim Input Statement, Form DC1-701B, to the victim(s) or the victims' family for comments regarding the release of the inmate. Form DC1-701B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(d) Review Board – the team consisting of extended day program staff, to include at least one officer of the rank of sergeant or above and a staff member directly involved in the training and instruction of youthful offenders, responsible for determining advancement through the phases of extended day program. Once the inmate has been approved by the ICT and the SCO for a recommendation for sentence modification, a

~~request for initiation of a Youthful Offender's Release Placement Plan, Form DC6-121, shall be made to the community corrections office in the county where the inmate plans to reside. The community corrections office in the county where the inmate plans to reside shall complete the placement release plan and return it to the requesting institution. Form DC6-121 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.~~

~~(e) State Classification Office (SCO) – the office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying institutional classification team recommendations. The sentence modification package shall include at a minimum the following:~~

- ~~1. The completed release placement plan that has been verified by community corrections field staff;~~
- ~~2. The completed victim input statement forms;~~
- ~~3. A progress report with justification for sentence modification;~~
- ~~4. An order of modification of sentence placing defendant on probation prepared by the classification officer for the judge's signature;~~
- ~~5. A completed Defendant's Waiver of Rights to Modify Sentence and Place Defendant on Probation, Form DC3-235. Form DC3-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.~~

~~(f) The completed sentence modification package shall be forwarded to the Bureau of Classification and Central Records for review by the central office screening committee.~~

~~(g) The central office screening committee shall review the sentence modification request for completeness and shall make a written recommendation to the Deputy Director of the Office of Institutions (classification) to approve or disapprove the request.~~

~~1. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a written request to the sentencing judge to consider modifying the inmate's sentence.~~

~~2. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.~~

~~(h) One or more of the following will render the inmate ineligible for consideration of a sentence modification to the court:~~

- ~~1. Conviction for murder, attempted murder, or an offense resulting in a death;~~
- ~~2. Conviction for sexual battery pursuant to Section 794.011, F.S.;~~
- ~~3. Conviction for kidnapping pursuant to Section 787.01, F.S.;~~
- ~~4. Conviction for carjacking pursuant to Section 812.133, F.S.;~~
- ~~5. Conviction for domestic violence pursuant to Section 741.28, F.S.;~~
- ~~6. Conviction for home invasion robbery pursuant to Section 812.135, F.S.;~~
- ~~7. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or~~
- ~~8. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.~~

~~(i) If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.~~

~~(j) If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.~~

~~(4) Extended Day Program Phases. Extended day program phases are consecutive. An inmate must participate in Phase I before advancement to Phase II and Phase II before advancement to Phase III.~~

~~(a) Phase I shall consist of a two-week orientation period, including a broad, extensive training program including physical fitness, work assignments, regimented application of discipline, and personal development programs. To advance to Phase II, the inmate must pass an evaluation on orientation materials.~~

~~(b) Phase II shall consist of continued demonstration of skills learned in Phase I, adherence to the structure of the extended day program, and positive consistency and participation in vocational, academic, and betterment programs.~~

~~(c) Phase III shall consist of:~~

~~1. Continued demonstration of capability in the areas of personal responsibility, discipline, job assignments, and academic and vocational programs, as well as all other areas of daily living and activities;~~

~~3. Maintenance of high proficiency in achievements;~~

~~4. Providing assistance to staff with designated activities; and~~

~~5. Evaluation by the review board and ICT in all areas on a continual basis to ensure that the inmate should remain in Phase III.~~

(d) Remedial Phase. The remedial phase is designed for inmates who pose disciplinary and management problems or have basic needs for additional behavior modification measures based on poor institutional adjustment or behavior. The remedial phase shall consist of a period of behavior modification emphasizing compliance with rules, proper institutional adjustment, and appropriate social behavior.

(5) Advancement to Phase III.

(a) A Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The form became effective on July 30, 2008.

(b) If approved by the ICT for advancement, the inmate shall be eligible for recommendation for modification of sentence pursuant to subsection (6) of this rule. No inmate has a right to recommendation for modification of sentence. Institutional classification staff are authorized to notify the Bureau of Classification Management or designee of an inmate who meets the criteria for recommendation for modification of sentence.

(6) Recommendations for Modification of Sentence.

(a) The following will result in an evaluation by the Bureau of Classification Management or designee of the inmate's eligibility for recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S.:

1. Successful participation in all phases of the youthful offender extended day program, to include participation in Phase III of the extended day program for a minimum of 180 consecutive days; and

2. Reclassification to minimum or community custody.

(b) Successful participation in the extended day program is defined as:

1. Satisfactory gain time ratings in Phase III for a minimum of 180 days;

2. Participation in recommended programs;

3. No disciplinary reports for the previous four months; and

4. No more than four corrective consultations for the previous four months.

(c) Evaluation of the inmate's eligibility will include, but will not be limited to:

1. Review of circumstances of offense;

2. Institutional adjustment; and

3. Achievements.

(d) One or more of the following will render the inmate ineligible for recommendation of a sentence modification to the court:

1. Conviction for murder, attempted murder, or an offense resulting in a death;

2. Conviction for sexual battery pursuant to Section 794.011, F.S.;

3. Conviction for kidnapping pursuant to Section 787.01, F.S.;

4. Conviction for domestic violence pursuant to Section 741.28, F.S.;

5. Sentenced as a habitual offender pursuant to Section 775.084, F.S.;

6. Currently serving the minimum mandatory portion of a sentence; or

7. The inmate has previously been granted modification of sentence under the provisions of this rule.

(7) Extended Day Program Assessment. Each inmate shall be required to participate in Phase III in a satisfactory manner for a minimum of 180 consecutive days in order to be considered for recommendation to the court for modification of sentence.

(a) The review board shall continually assess the inmate's participation in the program and recommend status assignments. Should an inmate fail to successfully perform as set forth in subparagraphs (6)(b)2. through 4. of this rule at any time during Phase III, days served successfully will not be counted toward the minimum 180 day successful participation requirement.

(b) Inmates who have successfully participated for the required time period shall remain subject to the rules of the department and the extended day program. Failure to adhere to the administrative rules of the department shall be grounds for removal from consideration for recommendation for modification of sentence, withdrawal of the department's request to the court for modification of the inmate's sentence, or a request by the department to rescind modification of sentence. Form DC6-194, Order Rescinding Order Modifying Sentence, will be completed by the Bureau of Classification Management or designee and provided to the court with the request to rescind modification of sentence. Form DC6-194 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April, 2012.

(8) Removal from Consideration for Recommendation.

(a) An inmate shall be removed from the program when such removal is in the best interest of the inmate or the security of the institution and in accordance with Section 958.11, F.S. However, if the inmate has completed the minimum requirements prior to removal, and such removal is not due to

the inmate's receipt of a disciplinary report or corrective consultation, the inmate shall still be considered for recommendation for modification of sentence.

(b) An inmate shall be removed from consideration for recommendation for modification of sentence for behavioral, performance, or disciplinary reasons.

(9) Sentence Modification Process.

(a) Inmates who have satisfactorily participated in the extended day program and who meet the eligibility criteria in subsection (6) of this rule will be recommended for sentence modification.

(b) If determined eligible, institutional classification staff shall forward a completed Form DC6-195, Defendant's Waiver of Rights in Modification of Sentence, to the Bureau of Classification Management or designee. The waiver shall be forwarded no earlier than five days prior to the expected completion of the 180-day requirement. Form DC6-195 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April, 2012.

(c) The Bureau of Classification Management or designee shall approve the ICT's recommendation, disapprove the recommendation, or refer the matter back to the ICT for additional information within 5 working days from receipt of the ICT's recommendation.

(d) If approved by the Bureau of Classification Management or designee, a cover letter reporting that the inmate is participating satisfactorily in the program will be sent to the community corrections intake office within the circuit of the sentencing court by the Bureau of Classification Management or designee within 5 working days from approval of the ICT's recommendation.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April, 2012.

(f) The community corrections intake office shall ensure that Form DC6-193 is received from the sentencing court and shall route the form to the appropriate staff in the Bureau of Classification Management.

(g) The appropriate staff in the Bureau of Classification Management or designee will be notified as to the receipt of Form DC6-193.

(h) Upon receipt of the court's written action, the appropriate staff in the Bureau of Classification Management shall make the necessary sentence structure adjustments and, if applicable, initiate release processes.

(i) If the sentence modification order is not received within 35 working days after the request is made, the Bureau of Classification Management or designee shall notify by email or by telephone the community corrections intake office that submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community corrections intake staff shall notify the Bureau of Classification Management or designee of the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC6-193, the staff member shall forward the form to the appropriate staff in the Bureau of Classification Management, and the processes enumerated in paragraphs (9)(g) through (9)(h) of this rule shall be followed.

(j) If the sentencing court disapproves the sentencing modification, the community corrections intake office shall notify the Bureau of Classification Management or designee. The Bureau of Classification Management or designee shall notify the ICT at the institution housing the inmate. The ICT shall notify the inmate of the court's denial.

(10) Nothing in this rule is intended to prohibit an inmate from petitioning the court if the inmate believes he or she has successfully participated in the program on the basis set forth in this rule or on the basis of other facts he or she believes are relevant.

Rulemaking Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy Cannon, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.201  
RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete lighters and post-type earrings from the authorized property list but allow female inmates already in possession of post type earrings to retain them until they are no longer serviceable.

SUMMARY: Lighters and post-type earrings are deleted from the inmate property list.

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 analysis from the Bureau of Classification and Central Records indicating that the rule change only affects internal operations of the Department by permitting more flexibility in where a youthful offender program will be located and would not have an impact on small business or the private sector, 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 FS.

LAW IMPLEMENTED: 944.09 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) through (17) No change.

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified below as “exemptions,” property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance

with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. All canteen items are subject to availability and may not be available for purchase. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between department institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"
- Earrings, post type (female only)

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or canteen)
			Light blue or white – female only
			Light blue – male

7	each	Panties (state issue or canteen – female only)
3	each	Pants (state issue)
1	each	Raincoat or Poncho – clear (state issue or canteen)
1	each	Robe (state issue – female only)
3	each	Shirt, outer (state issue)
4	each	Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair	Shoes, Athletic (canteen)
1	pair	Shoes, Work (canteen or state issue)
2	each	Shorts, athletic (navy blue) (canteen)
1	each	Shower cap, clear only (female only) (canteen)
1	pair	Shower slides (canteen)
6	pair	Socks (state issue or canteen)
1	each	Supporter, athletic (male only) (canteen)
2	each	Sweatshirts (gray only) (canteen order)
4	each	Undershorts (male only) (state issue or canteen)
2	each	Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity Number in use	Unit	Value	Articles
25	each		Batteries (canteen)
*			Roller clips – plastic only (females only), (canteen)
			Books (legal, educational, religious, fiction) – *
			Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (canteen)
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	each		Canteen bag (canteen)
1	set		Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coffee mug – plastic (canteen)
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
2	each		Crème rinse and conditioner (canteen)
1	each		Cup, drinking – plastic (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)
1	each		Denture adhesive (state issue or canteen)
1	each		Denture cup (canteen order)
2	each		Deodorant and antiperspirant (no aerosols) (canteen)
1	set		Domino (light wood or plastic, standard size) (canteen order)
1	Set		Earbuds (canteen)
1	pair		Earphone pads (replacement) (canteen order)
1	pair		<del>Ear rings, post type (female only) (canteen order)</del>
*			Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack		Emery board – cardboard (canteen)

25	each	Envelopes – legal (#10 size) (canteen)
5	each	Envelopes – oversized (10" x 13") (canteen)
*		Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*		File folders (*limited by storage space)
20		Greeting cards and accompanying envelopes
1	each	Hairbrush – nonmetal, handles for females only (canteen)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each	Hair net (female only) (canteen)
25	each	Hair rollers (female only) (canteen)
2	each	Handballs or racketballs (canteen)
1	each	Headphones for use with radio (canteen)
Maximum weekly dosage		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to storage space limitations
1	each	Insect repellent (canteen)
1	each	Jigsaw puzzle (canteen order)
1	each	Keyboard (canteen)
1	each	Laundry bag (state issue or canteen)
1	each	<del>Lighter, disposable (approved type) (canteen)</del>
1	each	Lip balm (canteen)
1	each	Locks, combination (V68 series) (canteen)
1	each	Make-up bag, clear only (female only) (canteen)
1	each	Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each	Moisturizer – no mineral oils, no vaseline (canteen)
1	each	Mouthwash (canteen)
1	each	MP3 Player (canteen)
1	each	MP3 Player arm band holder (canteen)
1	each	Nail clippers, not to exceed 2 1/2" (canteen)
2	pack	Notebook paper (canteen)
4	each	Pens, ballpoint, flair-type, pencils with erasers, or security Pens, no markers (canteen)
*		Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each	Photo album, non-metal (canteen)
50	each	Photographs (personal)
2	decks	Playing cards (standard) (canteen)



5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4" × 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
1	each		Screen protector (canteen)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toilet Paper (state issue or canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10, 10-26-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Cannon, Assistant Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.160  
 RULE TITLE: Outpatient Hospital Services  
 PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.160, F.A.C., is to incorporate by reference the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, December 2011. The changes to the handbook will specify that the use of general classification codes 450 and 451 will be reimbursed based on a line item rate, the addition of Intrathecal Baclofen Therapy (ITB) information, and change from UB-92 to UB-04.

SUMMARY: The handbook has been revised to provide updated information on Appendix B with information on 0450 and 0451 revenue codes and includes Intrathecal Baclofen Therapy.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not 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: 409.919 FS.  
 LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 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: Tuesday, April 11, 2012, 11:00 a.m. to 12:00 noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Pamela Kyllonen at the Bureau of Medicaid Services, (850)412-4211. 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: Pamela Kyllonen, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: [pamela.kyllonen@ahca.myflorida.com](mailto:pamela.kyllonen@ahca.myflorida.com)

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

59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, December 2011 ~~June 2005~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, UB-04 incorporated by reference in Rule 59G-4.003, F.A.C.~~ The Both handbooks is are available from the Medicaid fiscal agent's Web site Portal at [www.http://mymedicaid-florida.com](http://mymedicaid-florida.com). Select ~~Click on~~ Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Specific Authority 409.919 FS. Law Implemented ~~409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913~~ FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, 1-10-06, 4-16-06, 2-25-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Pamela Kyllonen  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Elizabeth Dudek  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 2, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 8, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-5.025                      RULE TITLE: Hydraulic Supply Shut-off Valves  
 PURPOSE AND EFFECT: The proposed rule eliminates the potential safety risk associated with hydraulic supply shut-off valves known as “knock-style valves” by prohibiting that type of valve and requiring replacement.  
 SUMMARY: The proposed rule prohibits the use of hydraulic supply shut-off valves known as “knock-style valves” and requires the valve be replaced.

OTHER RULES INCORPORATING THIS RULE: N/A  
 EFFECT ON THOSE OTHER RULES: N/A  
 SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COSTS AND LEGISLATIVE  
 RATIFICATION:

The Agency has determined that this will 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.  
 This rule will create a minimal, one-time economic impact that is not expected to exceed \$2,500 per occurrence and will provide employment opportunity to the elevator industry. The part replacement will not raise the price or reduce quantity of goods or services and may create a short-term increase in workforce needs. The regulatory costs created by this rule will be a single occurrence with minimal cost and will not impact product development or innovation. Other states have taken similar steps regarding this safety issue. The rule is expected to apply to approximately 200 elevators, including approximately 50 small businesses. A majority of the elevators are located in condominium buildings. The total one-time, non-recurring costs should not exceed \$2,000 to \$2,500 per elevator, for a statewide total of \$500,000. The department is able to implement this rule with existing staff, but local contracted jurisdictions will also enforce this rule and may incur minimal implementation and enforcement costs. This rule will address a public safety concern while creating a minimal fiscal impact on elevator owners. The total cost per small business depends upon the number of impacted elevators each business owns. Impact on small county or small city is indeterminate at this time.

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: 399.001, 399.061 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-5.025 Hydraulic Supply Shut-off Valves.  
Regardless of other code requirements, hydraulic supply shut-off valves known as “knock-style valves” are prohibited from use and must be replaced prior to obtaining a renewal certificate of operation.

Remaking Authority 399.02, 399.10 FS. Law Implemented 399.001 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bill Each, Director, Division of Hotels and Restaurants,  
 Department of Business and Professional Regulation  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Ken Liaison, Secretary, Department of  
 Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: February 28, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: March 5, 2010

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-3.004                      RULE TITLE: Acupuncture Examination  
 PURPOSE AND EFFECT: The Board proposes this amendment to address a change in the name of the exam and include an effective date for implementation of this rule.  
 SUMMARY: The rule amendment will address a change in the name of the exam and include an effective date for implementation of 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: 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 Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.017, 457.104 FS.

LAW IMPLEMENTED: 456.017, 457.104 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, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.004 Acupuncture Examination.

Effective October 1, 2014, The Board ~~currently~~ approves as the Florida examination for licensure the NCCAOM examination, consisting of the Foundations of Oriental Medicine Module, ~~and~~ the Acupuncture with Point Location Module, the Biomedicine Module and the Chinese Herbology Module.

Rulemaking Specific Authority 456.017, 457.104 FS. Law Implemented 456.017, 457.104 FS. History--New 8-13-84, Amended 10-2-84, Formerly 21AA-3.04, Amended 1-25-88, 9-3-89, 2-27-92, 5-6-92, Formerly 21AA-3.004, Amended 1-27-94, Formerly 61F1-3.004, Amended 11-21-95, Formerly 59M-3.004, Amended 10-15-97, 5-11-98, 4-20-99, 1-1-04, 7-19-04, 5-8-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2011 and September 16, 2011

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-12.0155  
 RULE TITLE: Fee for Registered Chiropractic Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated version of the application form.

SUMMARY: An updated version of the application form will be incorporated into the 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: 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 Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.0155 Fee for Registered Chiropractic Assistants.

(1) Any person desiring to become a registered chiropractic assistant (RCA) shall make application to the Board on board approved form DH-MQA 1150 (Rev 11/2011 ~~08/2010~~), Application for Registered Chiropractic Assistant (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html), and submit the required fees. Applicants may apply on online at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html).

(2) through (5) No change.

Rulemaking Authority 460.405, 460.4166 FS. Law Implemented 460.4166 FS. History—New 9-24-96, Formerly 59N-12.0155, Amended 5-10-09, 11-4-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NOS.:	RULE TITLES:
64B19-11.010	Limited Licensure
64B19-11.011	Provisional License; Supervision of Provisional Licensees
64B19-11.012	Application Forms

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised application form, limited licensure application form and the revised provisional licensure application form into the Board’s respective rules.

SUMMARY: The proposed rule amendments incorporate the revised application form, limited licensure application form and the revised provisional licensure application form into the Board’s respective rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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 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 Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013, 456.015(1), (4), 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 456.015, 490.003(6), 490.004(4), 490.005, 490.0051, 490.006(1)(b), 490.007(1), 490.009 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-11.010 Limited Licensure.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) through (b) No change.

(c) Complete and submit to the Board form DH-MQA 1188, (Revised 1/12 ~~9/09~~), “Application for Psychologist Limited Licensure,” which is hereby incorporated by reference, copies of which may be obtained from the Board office or on the Board’s website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) No change.

Rulemaking Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015 FS. History—New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02, 5-24-09, 5-2-10,\_\_\_\_\_.

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DH-MQA 1189, (Revised 1/12 ~~9/09~~), “Application for Provisional Psychology Licensure,” which is hereby incorporated by reference, copies of which may be obtained from the Board office or on the Board’s website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (6) No change.

Rulemaking Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History—New 1-27-98, Amended 3-24-02, 9-8-03, 5-24-09, 3-1-10, \_\_\_\_\_.

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 1/12 01/11), “Application for Psychologist Licensure,” which is incorporated herein by reference and which may be obtained from the Board office or on the Board’s website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (4) No change.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b), 490.007(1) FS. History—New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10, 11-10-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011 and January 20, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:	RULE TITLE:
5E-14.117	Application for Examination for Pest Control Operator’s Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application

**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. 51, December 22, 2011 issue of the Florida Administrative Weekly.

**PURPOSE AND EFFECT:** The purpose and effect of these rule changes is to define requirements for individuals seeking the Limited Commercial Wildlife Management Certificate for individuals wishing to control commensal rodents in Florida. An applicant seeking certification will be required to submit an application on a form prescribed by the Department with an

examination fee of \$150. Certificate holders will be required to annually submit a recertification fee of \$75 with a completed recertification notice form prescribed by the Department.

SUMMARY: The proposed rule implements the provisions of newly adopted Florida Statutes, Section 482.157, which establishes a Limited Wildlife Commercial Certificate by setting forth a required examination fee of \$150 to be submitted and a prescribed form application to be completed and submitted by an applicant. It also provides for a recertification notice form that must be completed and submitted with a recertification fee of \$75 by a certificate holder annually for renewal of the certificate.

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

The Agency has determined that this rule will not have an impact on small business and is not likely to directly or indirectly increase 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.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes, (or any other statute) before becoming effective for the following reasons: 1) None of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered; and 2) Based on information received from wildlife professional association membership rolls and discussions with industry representatives the following was determined: The estimated number of individuals seeking certification is estimated to be approximately 600. There are minimal or no transaction costs estimated. The exam application requires readily available information about the applicant applying for the credential, their company, and a passport type photograph and can be completed without the need for additional staff or other professional help. The examination fee is \$150. Therefore, the estimated financial impact is approximately \$90,000.00. No other impacts to small business or governmental agencies are anticipated because the Department’s Bureau of Entomology and Pest Control is solely responsible for the administration of the Structural Pest Control Law.

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

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

5E-14.117 Application for Examination for Department Applicator Credentials.

(1) through (18) No change.

(19) Applicants for limited certification for commercial wildlife management shall submit an examination fee of \$150 with their completed application using the form entitled,