

Rulemaking Authority 61.14(8)(a), 440.45(1)(a), (4) FS. Law Implemented 61.14(8)(a), 440.105(3)(c), 440.20(11), 440.34, 440.345, 440.45(1)(a), (4), (5) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, \_\_\_\_\_.

60Q-6.124 Payment of Attorney’s Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes.

- (1) through (2) No change.
- (3) No change.

(a) Any motion for attorney’s fees/or for costs shall be verified and filed, and shall include:

1. A statement of the facts relied on in support of the motion;<sub>;</sub>
2. The statutory and legal basis relied upon;<sub>;</sub>
3. A recitation of all benefits secured for the claimant through the attorney’s efforts, including projected future benefits reduced to present valu;<sub>;</sub>
4. The statutory fee based on the benefit secured;<sub>;</sub>
5. A detailed chronological listing of all time devoted to the claim, if applicable;<sub>;</sub> and
6. No change.

(b) Within 30 days after the motion is served, the opposing party or parties shall file a verified response to the motion, which includes a detailed recitation of all matters which are disputed in the form outlined in subparagraphs (3)(a)1.-6. Failure to file a timely and specific response to a motion for attorney’s fees and costs detailing matters that are disputed shall, absent good cause, result in acceptance of the allegations in the motion as true.

- (c) No change.
- (d) Unless the judge orders otherwise, the parties shall exchange exhibits and written witness lists no later than 10 days before the date of the attorney’s fee and/or cost hearing.
- (e) No change.

(4) Upon motion by any party, the judge may require the claimant to file a verified motion for attorney’s fees and costs and adjudicate the verified motion for attorney’s fees and costs.

- ~~(5)(4)~~ No change.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.32, 440.34, 440.345, 440.45(1)(a), (4), (5) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, \_\_\_\_\_.

60Q-6.125 Sanctions.

- (1) No change.
- (2) Representations to the Judge. By filing a pleading or other document or presenting argument ~~argument~~ before the judge at hearing, an attorney or unrepresented party is certifying to the best of that person’s knowledge, information, and belief, formed after inquiry reasonable under the circumstances, that:
  - (a) through (b) No change.

(c) The allegations and other factual contentions are true and have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

- (d) No change.
- (3) through (6) No change.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.32, 440.33(1), (2), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, \_\_\_\_\_.

60Q-6.126 Disqualification or Recusal of Judges.

- (1) No change.
- (2) Upon entry of an order of disqualification or after the ~~voluntary~~ recusal of a judge, the Deputy Chief Judge ~~deputy chief judge~~ shall re-assign the case to another judge.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.442, 440.45(1)(a), (4) FS. History—New 2-23-03, Amended \_\_\_\_\_.

60Q-6.127 Procedure for Relief from Appellate Filing Fee and Costs.

The procedure for relief from payment of the appellate filing fee and from the costs of the preparation of the record on appeal for the review of any order of a judge on the ground ~~grounds~~ of indigency shall be in accordance with Fla. R. App. P. 9.180.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.271 FS. History—New 11-1-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David W. Langham, Deputy Chief Judge of Compensation Claims  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Robert S. Cohen, Director and Chief Judge  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NO.: 5M-15.001  
RULE TITLE: Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 24, June 15, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-15.001	Definitions
5M-15.002	Dispute Regarding Exemption
5M-15.003	Eligibility for a Binding Determination
5M-15.004	Documentation of Dispute
5M-15.005	Exemption Criteria
5M-15.006	Binding Determination Process
5M-15.007	Final Agency Action

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. 38, No. 24, June 15, 2012 issue of the Florida Administrative Weekly.

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 Department’s analysis of the economic impact of the rule did not trigger any of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC). As part of this analysis, the Department relied upon the fact that the rule only provides for a determination made by the Department, and does not prescribe any particular actions. Additionally, no interested party submitted additional information regarding the economic impact.

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.

THE FULL TEXT OF THE PROPOSED RULES IS:

NOTE: Rule 5M-5.001 has been withdrawn and Rules 5M-5.002 through 5M-5.008 renumbered 5M-5.001 through 5M-5.007.

5M-15.001 Definitions.

No change.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New \_\_\_\_\_.

5M-15.002 Dispute Regarding Exemption.

No change.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New \_\_\_\_\_.

5M-15.003 Eligibility for a Binding Determination.

In order for the Department to conduct a binding determination under Section 373.407, F.S., the following conditions must exist:

(1) through (2) No change.

(3) There must be a dispute between the landowner and the water management district as to the applicability of the exemption. The dispute must be documented as provided in Rule 5M-15.004 ~~5M-15.005~~.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New \_\_\_\_\_.

5M-15.004 Documentation of Dispute.

No change.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New \_\_\_\_\_.

5M-15.005 Exemption Criteria.

No change.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New \_\_\_\_\_.

5M-15.006 Binding Determination Process.

(1) through (2) No change.

(3) The steps the Department will take to arrive at a binding determination include, but are not limited to:

(a) Confirm that the eligibility requirements in Rule 5M-15.003 ~~5M-15.004~~ are met.

(b) through (c) No change.

(d) Consult best management practices applicable to the operation and adopted by rule of the Department in Title 5M, Florida Administrative Code manuals applicable to the operation and adopted by the Department under Title 5M, F.A.C., and applicable conservation practice standards contained in Section IV of the Natural Resources Conservation Service Field Office Technical Guide.

(e) No change.

(4) Based on the information obtained pursuant to this section, the Department will evaluate whether the landowner meets the criteria listed in Rule 5M-15.005 ~~5M-15.006~~, and will formulate a report containing a binding determination. In the report, the Department will explain the basis for its conclusions and provide references to any documents or other

sources of information or guidance used in making its determination. The Department will send the written report, by regular or electronic mail, to the affected water management district and landowner.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New\_\_\_\_\_.

5M-15.007 Final Agency Action.

No change.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
33-602.211                 Restraint of Pregnant Inmates  
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. 38, No. 28, July 13, 2012 issue of the Florida Administrative Weekly.

The change is in response to concerns raised by the Joint Administrative Procedures Committee on July 18, 2012. The change is to subsection 33-602.211(8), F.A.C., which shall read as follows:

(8) Pregnant inmates will not be restrained in any manner during labor, delivery, or postpartum recovery unless the warden makes an individualized determination that the prisoner presents an extraordinary circumstance. However, under no circumstances shall leg, ankle, or waist restraints be used on any prisoner who is in labor or delivery, as provided defined in Chapter 2012-41, Laws of Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-1.659                 Forms and Instructions  
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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

Reason for Change:

A change is required to the proposed rules to clarify that Form No. LEG-R.016.01 (4/09) is not being amended or incorporated as part of this rulemaking and to ensure that those forms that contain maps and/or language being revised as part of this rulemaking are properly incorporated by reference.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at www.watmatters.org.

(1) GROUND WATER

(a) through (f) No change.

(g) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.016.01 (4/09), incorporated by reference in subsection 40D-3.101(1), F.A.C.

(h) through (u) No change.

(v) NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.01 (~~(4/09)~~), incorporated by reference in paragraph 40D-2.101(6)(a), F.A.C.

(w) SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.02 (~~(08/11)~~), incorporated by reference in paragraph 40D-2.101(6)(b), F.A.C.

(x) through (ff) No change.

(gg) WATER USE PERMIT APPLICATION – MINING AND DEWATERING MATERIALS OTHER THAN PHOSPHATE, FORM NO. LEG-R.048.01 (~~(08/11)~~), incorporated by reference in paragraph 40D-2.101(2)(d), F.A.C.

(hh) through (mm) No change.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.705, 373.707, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-12-10, 4-27-10, 9-5-10, 9-12-10, 12-7-10, 1-16-11, 6-16-11,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:                   RULE TITLES:  
 40D-2.091                   Publications Incorporated by  
   Reference

40D-2.101                   Content of 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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

**Reason for Change:**

A change is required to the proposed rules to ensure that those forms that contain maps and/or language being revised as a part of this rulemaking are properly incorporated by reference. Additionally, Form No. LEG-R.010.01 is being amended to reflect that the form is incorporated in paragraph 40D-2.101(6)(a), F.A.C.

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference into this chapter, and are available from the District’s website at [www.WaterMatters.org](http://www.WaterMatters.org) or from the District upon request:

(a) Water Use Permit Information Manual Part B, Basis of Review for Water Use Permit Applications (also referred to as the WUP Basis of Review) (~~\_\_\_~~)(12-12-11).

(b) No change.

(2) The following forms for reporting information to the District are hereby incorporated by reference, and are available from the District upon request:

(a) No change.

(b) Irrigation Water Use Form – Annual Crops, Southern Water Use Caution Area, Form No. LEG-R.017.01 (~~\_\_\_~~)(4/09).

(c) Irrigation Water Use Form – Annual Recreation/Aesthetic/Golf, Southern Water Use Caution Area, Form No. LEG-R.018.01 (~~\_\_\_~~)(4/09).

(d) Irrigation Water Use Form – Summer/Fall Seasonal, Southern Water Use Caution Area, Form No. LEG-R.019.01(~~\_\_\_~~)(4/09).

(e) Irrigation Water Use Form – Winter/Spring Seasonal, Southern Water Use Caution Area, Form No. LEG-R.020.01(~~\_\_\_~~)(4/09).

(f) through (m) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99,

8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11,\_\_\_\_\_.

40D-2.101 Content of Application.

(1) No change.

(2) The following District application forms shall be used to obtain a new WUP or to renew an existing WUP. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this chapter. Forms are available upon request from the District’s website at [www.WaterMatters.org](http://www.WaterMatters.org) or from District offices.

(a) Individual Water Use Permit.

Application for a new or renewal of an existing Individual Water Use Permit shall be made using the Individual Water Use Permit Application, Form No. LEG-R.029.01 (~~\_\_\_~~)(12/10). Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

1. through 5. No change.

(b) General Water Use Permit.

Application for a new or renewal of an existing general WUP shall be made using the General Water Use Permit Application Form, No. LEG-R.028.01 (~~\_\_\_~~)(12/10). Applicants shall also submit one or more supplemental forms listed in paragraph (2)(a) above as appropriate for each type of water use proposed in the permit application. Applicants seeking an initial, renewal, or modification of a general WUP for a combined annual average daily water demand of less than 100,000 gallons per day for public supply use may submit the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (12/09), in lieu of the Water Use Permit Application Supplemental Form – Public Supply, Form LEG-R.033.01 (09/09).

(c) Small General Water Use Permit.

Application for a new small general WUP shall be made using the Small General Water Use Permit Application Form, No. LEG-R.027.01(~~\_\_\_~~)(12/10). To renew a small general WUP issued solely for agricultural use, application shall be made using the Application to Renew a Small General Water Use Permit for Agricultural Use Form, No. LEG-R.036.01(~~\_\_\_~~)(12/10). Application to renew all other small general WUPs shall be made using the Small General Water Use Permit Application Form, No. LEG-R.027.01 (~~\_\_\_~~)(12/10). One or more of the following Attachment Forms for a specific water use shall be submitted with the application form if the application proposes one of the specified water uses:

1. through 4. No change.

(d) Mining and Dewatering WUP.

Application for a new or renewal of an existing WUP for mining and dewatering uses other than phosphate mining shall be made using the Water Use Permit Application – Mining and Dewatering Materials Other Than Phosphate, Form No. LEG-R.048.01 ~~( ) (08/11)~~, incorporated herein by reference. The application shall be categorized as an application for an individual or general WUP based upon the combined annual average daily water demand as provided in subsection 40D-2.041(2), F.A.C. Application for a new or renewal of a WUP for phosphate mining shall be made using the individual or general WUP application form and the Water Use Permit Application Supplemental Form – Mining or Dewatering, Form No. LEG-R.032.00 (3/09) incorporated herein by reference.

(3) through (4) No change.

(5) Optional Application Forms.

The following forms may be used by applicants in support of permit applications, are hereby incorporated by reference and are available from the District’s website at [www.WaterMatters.org](http://www.WaterMatters.org) or from the District offices:

(a) through (b) No change.

(6) Southern Water Use Caution Area Application Forms.

In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the “Supplemental Form – Southern Water Use Caution Area,” Form No. LEG-R.007.02 ~~( ) (4/09)~~ incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B “Basis of Review.” All SWUCA application and supplemental information forms may be obtained from the District’s website at [www.WaterMatters.org](http://www.WaterMatters.org) or from District offices:

(a) Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 ~~( ) (4/09)~~, incorporated herein by reference; and

(b) Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.02 ~~( ) (8/11)~~, incorporated herein by reference.

(7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877 FS. History–Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, 7-1-09, 8-30-09, 10-26-09, 1-27-10, 4-27-10, 6-16-11, 12-12-11, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.012  
 RULE TITLE: Provisional Certificates

**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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

The changes are as follows:

(1) No change.

~~(2) Provisional certificates are not renewable, and are valid for the following terms:~~

~~(a) Three years for inspectors.~~

~~(b) Three years for plans examiners.~~

~~(c) Three years for building code administrators or building officials.~~

~~(2)(3)~~ Provisional inspector or plans examiner certificates shall only be issued to applicants who demonstrate at the time of their application that they possess all of the standards and eligibility requirements for standard certification as set forth in Section 468.609(2), F.S. Provisional building code administrator certificates shall only be issued to applicants who demonstrate at the time of their application that they possess all of the standards and eligibility requirements for standard certification as set forth in Section 468.609(3), F.S.

~~(3)(4)~~ Provisional certificates shall only be issued to persons employed by an agency of government and the authority of the certificate shall be limited to the jurisdiction of the government agency with which the applicant was employed at the time the provisional certificate was originally issued.

~~(4)(5)~~ The Board shall restrict provisional certificate holders by limiting their work, when such restrictions are determined by the Board’s evaluation of the facts of each application to be necessary to protect the public health, safety and welfare.

~~(5)(6)~~ Following the submission of an application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of one hundred twenty (120) days from the date the application is submitted, and subject to the following conditions:

(a) through (d) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-30.001  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

The correction is as follows:

The Notice of Change which published on June 29, 2012, in Vol. 36, No. 26 of the Florida Administrative Weekly stated, "The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee." Some of the changes to the rule made in the Notice of Change were previously noticed in the Notice of Proposed Rule. Therefore, the changes made to the rule in the Notice of Change were changes made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

This correction does not affect the substance of the Notice of Change published on June 29, 2012.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-30.001  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**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. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Number 11. in the Notice of Change published for this rule on June 29, 2012 in Vol. 38, No. 26 of the F.A.W., states that (2)(e)n. shall be removed from the rule in its entirety. No such subsection exists. This was a scrivener's error.

2. The second sentence of subsection (2) shall now read as follows:

For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM

3. (2)(k)1.k. shall now read as follows:

64B16-28.902 and 64B16-28.203 (transfer of prescription files and drugs)	\$1,500 fine	Revocation
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4. (2)(k)1.l. shall now read as follows:

1. Failure to complete less than ten (10) hours	\$500 fine	\$1,500 fine
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5. (2)(k)1.1.2. shall now read as follows:

2. Failure to complete ten (10) or more hours In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.	\$1,000 fine	\$2,500 fine
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6. (2)(k)1.m. shall now read as follows:

m. Failure to maintain program requirements for certification, training, or continuing education programs or providers. Rule 64B16-26.601, F.A.C.	\$500 fine	Revocation
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7. (2)(k)1.n. shall now read as follows:

n. Failure to retain continuing education records. Rule 64B16-26.603, F.A.C.	\$250 fine	\$1,500 fine
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8. (2)(k)1.o.1. through 3. shall now read as follows:

1. Pharmacist	\$500 fine	Revocation
2. Pharmacy Intern	\$250 fine	Revocation
3. Permittee	\$500 fine	Revocation

9. (2)(k)1.p. shall now read as follows:

p. Failure to have current policies and procedures. Rules 64B16-28.141, .450, F.A.C.	\$500 fine	Revocation
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10. (2)(k)1.q. shall now read as follows:

q. Failure to have or maintain standards for an automated pharmacy system in a community pharmacy. Rule 64B16-28.141, F.A.C.	\$500 fine and 12 hours Laws & Rules or MJPE	Revocation
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11. (2)(k)1.r. shall now read as follows:

r. Failure to have or maintain standards for a central fill pharmacy. Rule 64B16-28.450, F.A.C.	\$500 fine and 12 hours Laws & Rules or MJPE	Revocation
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12. (2)(k)1.s. shall now read as follows:

s. Failure to have or maintain standards for an institutional pharmacy. Rules 64B16-28.602, .6021, .605, .606, .702, F.A.C.	\$500 fine and 12 hour Laws & Rules or MJPE	
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13. (2)(k)1.t. shall now read as follows:

t. Failure to maintain or have standards for a special pharmacy Rules 64B16-28.800, .810, .820, .840, .850, .860, .870, F.A.C.	\$500 fine and 12 hour Laws & Rules or MJPE	
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14. (2)(k)1.u. shall now read as follows:

t. Failure to maintain standards for animal control shelters	\$500 fine	Revocation
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69J-7.004	Participating Contractors – Application and Participation Agreement
69J-7.005	My Safe Florida Home Program, Forms For Use Regarding Grants
69J-7.007	Grants – Medical Condition Exception

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 28, July 13, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69W-700.028	Small Corporate Offering Registration (“SCOR” Offering)

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 18, May 4, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that on July 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., from the Florida Department of Corrections (DOC) on behalf of three former trainees employed on Temporary Employment Authorization (TEA) status pursuant to paragraph 11B-27.00213(4)(b), F.A.C., and Section 943.131, F.S. Paragraph 11B-27.00213(4)(b), F.A.C., requires trainees employed on TEA status who are separated from employment while TEA trainees to wait four years from the date of separation before obtaining another TEA position. The three trainees named in the petition were inadvertently omitted from the list of 190 similarly situated TEA trainees for whom a waiver was obtained by DOC in June of 2011. The waiver requested in this petition is identical to the one