

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: Ray Wenger, (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ray Wenger, Bureau of Investigations, Division of Insurance Agents and Agency Services, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. The text of the proposed rules is also available on the Department's website: <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/> 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 STATE

Division of Library and Information Services

RULE NO.: 1B-2.011 RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Library Cooperative Grant, the Library Services and Technology Act Grant, the State Aid to Libraries Grant, the Public Library Construction Grant, the Community Libraries in Caring Grant, the Florida Library Literacy Grant program, and the Community and Library Technology Access Partnership Grant program rules.

SUMMARY: The Library Cooperative Grant program guidelines will be updated to reflect a change to the funding formula and allocation of counties, and to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement. The Library Services and Technology Act Grant program guidelines will be updated to require submission of applications in the electronic Florida Libraries and Grants system, describe the application components, and outline the revised evaluation criteria. These revisions will also update requirements in the grant agreement.

The State Aid to Libraries Grant program guidelines will be updated to require reporting by grant recipients on subsequent years' expenditure of grant funds, allow for the carryover of the balance of any State Aid grant funds until expended and to

incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Public Library Construction Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Community Libraries in Caring Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

This revision will repeal the Florida Library Literacy Grant program and the Community and Library Technology Access Partnership Grant program 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.

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: 257.14, 257.15, 257.191, 257.193 FS.

LAW IMPLEMENTED: 257.16, 257.17, 257.171, 257.172, 257.18, 257.25, 257.191, 257.192, 257.193, 257.41, 257.42 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 21, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Room 307, Division of Library and Information Services, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

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: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 or by email at mdeeney@dos.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). 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: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 or by email at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended 4-1-10, amended xx-xx-xx; which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03, amended 4-1-10; Grant Agreement, effective 12-28-03, amended 4-1-10, amended xx-xx-xx; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Required Documents Checklist (Form DLIS/SA05), effective 4-1-10.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, amended xx-xx-xx; which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; ~~and~~ Closeout Report (Form DLIS/PLC06) effective 1-9-03; and Grant Agreement effective xx-xx-xx;

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended 1-24-2008, amended xx-xx-xx; which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-2008; Mid-Year Report (Form DLIS/LCG02) effective

1-24-08; Annual Report Form (Form DLIS/LCG03) effective 1-24-08; Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended 1-24-2008, amended xx-xx-xx; Grant Agreement (Form DLIS/LCG05), effective 1-24-08, amended xx-xx-xx; and the FLIN Manual, effective 1-24-08.

(d) The Library Services and Technology Act Grant Guidelines ~~and Application~~, effective 4-1-98, amended 2-14-99, amended 11-20-01, amended 4-21-10, amended xx-xx-xx; which contain instructions ~~and application~~ (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10; Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10; and Grant Agreement, effective 4-21-10, amended xx-xx-xx.

(e) ~~The Florida Library Literacy Grants Guidelines and Application~~, effective 4-4-00, amended 11-20-01 ~~which contain instructions and application~~ (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; ~~and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.~~

(f) ~~The Community and Library Technology Access Partnership Grants Guidelines and Application~~ which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; ~~and Annual Report (Form DLIS/CLTA02), effective 12-18-00.~~

(e)(g) The Community Libraries in Caring Program Application, effective 11-16-04, amended xx-xx-xx; which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, amended revised 2-21-06, amended 2-21-07, amended xx-xx-xx.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants; ~~Florida Library Literacy Grants~~; and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Rulemaking Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, 4-1-10, 4-21-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marian Deeney

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Judith A. Ring

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011 and October 28, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-4.002	Purpose and Definitions
5I-4.003	Vehicular, Animal and Pedestrian Control
5I-4.005	Protection of Managed Lands
5I-4.006	Recreational Activities and Facilities
5I-4.007	Garbage, Water Pollution and Glass Containers
5I-4.008	Vendors; Authorizations; Fees
5I-4.011	Penalties for Violations

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to modify the definition off-highway vehicle, add two new definitions, implement rules for a new off-highway trail system, change the title of and references to the Division of Forestry or Division to the Florida Forest Service or Service, and comply with the provisions of Section 790.33, Florida Statutes.

SUMMARY: This rulemaking adopts the statutorily revised definition of off-highway vehicles, adds two new definitions, adds a new location where off-highway vehicles can be operated on Florida Forest Service managed lands, changes the title of and references to the Division of Forestry or Division to the Florida Forest Service or Service, and eliminates provisions regarding the possession of firearms while visiting state forests and restates the law regarding the discharge of firearms in public.

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: 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 because 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: 570.07(23), 589.011, 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011, 589.071 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: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA FOREST SERVICE FORESTRY

5I-4.002 Purpose and Definitions.

The purpose of this chapter is to provide information regarding the utilization of lands and facilities managed or controlled by the Department of Agriculture and Consumer Services, Florida Forest Service Division of Forestry. The following words have the meaning indicated:

(1) through (8) No change.

~~(9) DIVISION: Division of Forestry.~~

~~(9)(10) GROUP CAMP: A designated primitive camping area designed to accommodate organized groups for overnight visits. Authorization will be given absent a determination that the proposed use will adversely affect managed lands.~~

~~(10)(11) HIKING TRAIL: A designated trail on which only pedestrian traffic is allowed.~~

~~(11)(12) HORSE: Any member of the equine family.~~

~~(12)(13) HORSE TRAIL: A designated trail on which only horse or pedestrian traffic is allowed.~~

~~(13)(14) HUNT CAMP: An area consisting of designated primitive campsites that require a Hunt Camp Permit for the entire length of a specific hunt (e.g. Archery, General Gun, Small Game or Spring Turkey) and is available only to properly licensed hunters.~~

~~(14)(15) MANAGED LAND(S): Any land, water body, or facility managed, controlled, or occupied by the Department of Agriculture and Consumer Services, Florida Forest Service Division of Forestry.~~

~~(15)~~~~(16)~~ MOTOR VEHICLE: An automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon track, bicycles, or mopeds.

~~(16)~~~~(17)~~ MULTI-USE TRAIL: A ~~non-motorized~~ trail shared by more than one user group.

~~(17)~~~~(18)~~ NATURE TRAIL: A hiking trail to be used for environmental or forest education.

~~(18)~~~~(19)~~ NON-MOTORIZED VEHICLE: Any non-motorized wheeled conveyance, intended for the transportation of persons or materials, whether human-powered, drawn or towed.

~~(19)~~~~(20)~~ OFF-HIGHWAY MOTORCYCLE (OHM) – Any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

~~(20)~~~~(21)~~ OFF-HIGHWAY VEHICLE – Any ATV, two rider ATV, ROV, or OHM that is used off the roads or highways of this state and is not registered and licensed for highway use under Chapter 320, F.S.

~~(21)~~~~(22)~~ ORGANIZED GROUP: Any organization or collection of persons using managed lands for the same purpose in an organized or communal fashion.

~~(22)~~~~(23)~~ PRIMITIVE CAMPS: Overnight areas that have limited facilities, such as site pads, tables, standing or ground grills, and sometimes non-flush toilets.

~~(23)~~~~(24)~~ PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

~~(24)~~~~(25)~~ PET: Any domesticated animal, fowl, reptile or other living thing, except seeing-eye or hearing-ear dogs, which is maintained as a household or family pet.

~~(25)~~ Recreational Off-highway Vehicle (ROV): Any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in Section 320.01(22), F.S. and 316.003(68), F.S., or a low-speed vehicle as defined in Section 320.01(42), F.S.

(26) No change.

(27) SCHEDULE OF FEES: The Florida Forest Service ~~Division~~ is authorized under Section 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Service ~~Division~~ for management purposes. A list of the current fees can be found in the document entitled “User Fees on Florida Forest Service

~~Division of Forestry~~ Managed Lands, September 2010” which is hereby adopted and incorporated by reference. This fee schedule can be obtained by contacting any State Forest office, the Florida Forest Service ~~Division of Forestry~~, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650, or by visiting http://www.floridaforestservice.com/forest_recreation/fees.html.

~~(28)~~ SERVICE: Florida Forest Service.

~~(29)~~~~(28)~~ SWIMMING AREA: Any area designated for swimming.

~~(30)~~ TWO-RIDER ATV: Any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

~~(31)~~~~(29)~~ WATERCRAFT: Any motorized, paddle-propelled or wind-driven means of water-related transportation.

~~(32)~~~~(30)~~ YOUTH GROUP: Any organized group of seven or more youths (under the age of 18) who are affiliated with a recognized not-for-profit organization, accompanied by one or more adult (18 years or older) chaperon(s).

Rulemaking Specific Authority 570.07(23), 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(3), 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, 3-2-09, 11-23-10, _____.

5I-4.003 Vehicular, Animal and Pedestrian Control.

(1) through (4) No change.

(5) No person shall operate any motor vehicle on managed lands except on designated roads, parking areas, or other areas established and specifically identified by the Service ~~Division~~.

(6) No person shall operate any off-highway vehicle on managed lands except in areas designated specifically for their use or unless specifically authorized by the Service ~~Division~~.

(7) No change.

(8) No motor vehicles are permitted on any sand bar along or within the streams of any managed lands, or on any other area specifically prohibited by the Service ~~Division~~.

(9) through (10) No change.

(11) No person shall bring horses or horse trailers into camping facilities, except upon showing that special request has been made to, and permission granted by, the Service ~~Division~~. The Service ~~Division~~ will grant permission upon a determination that there is no threat to public safety, or to the condition of the camping facilities and that the horses and horse trailers do not constitute a nuisance.

(12) No person shall ride or lead horses off designated horse trails or field trial runs, except upon showing that a special request has been made to, and permission granted by, the Service ~~Division~~. The Service ~~Division~~ will grant permission upon a determination that there is no threat to public safety or to the condition of these particular areas and those acts do not constitute a nuisance.

(13) through (16) No change.

(17) The ~~Service Division~~ will temporarily or permanently close any road, trail, facility, or area, or restrict the use thereof upon determination that there is a danger to the health, safety and welfare of any person; potential damage to the resources; or when it is determined necessary in the proper management of the forest.

Rulemaking Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, _____.

5I-4.005 Protection of Managed Lands.

No person shall:

(1) through (11) No change.

(12) Remove any plant life from any managed lands except for educational or research purposes, and only after notification to the ~~Service Division~~.

(13) through (15) No change.

(16) Operate a commercial enterprise on managed lands, except in limited circumstances where such enterprise provides a compatible service to forest visitors participating in recreation, and only after notification to the ~~Service Division~~, and payment of the applicable fee in accordance with subsection 5I-4.002(27), F.A.C.

(17) Possess or consume alcoholic beverages on managed lands where posted as prohibited by the ~~Service Division~~.

(18) through (19) No change.

(20) Leave any item, including but not limited to tents, trailers, vehicles, motorcycles, or other items, in a campsite unattended before or after the registered camping dates on a ~~Florida Forest Service Division of Forestry~~ Registration/Receipt, self-service pay envelope, or state forest authorization received from the ~~Florida Forest Service Division of Forestry~~ field unit. Unattended items found in an unregistered campsite shall be duly posted to be removed within 48 hours with the owner paying the scheduled fee for each night the item(s) remained at the site. In addition, after the item(s) have been duly posted for removal within 48 hours, such item(s) will be removed at the last known owner's expense. Any lost or abandoned property on managed lands will be disposed of in accordance with Chapter 705, F.S.

Rulemaking Specific Authority 589.011(4) FS. Law Implemented 589.011(4) FS. History—New 5-24-92, Amended 1-19-95, 5-15-95, 11-6-95, 5-31-04, _____.

5I-4.006 Recreational Activities and Facilities.

(1) Swimming and Sunbathing:

(a) All persons shall comply with hours posted by the ~~Service Division~~ during which use of swimming areas is prohibited.

(b) Swimming areas will be closed to the public, and the use thereof prohibited, at any time the ~~Service Division~~ determines that such activities are dangerous or otherwise inadvisable.

(c) The washing of persons or objects, with or without soaps or other cleansers, is prohibited in any waters within managed lands.

(d) Pets are prohibited in swimming areas.

(e) Swimming will be prohibited in any water body, or portion thereof, on managed lands at any time the ~~Service Division~~ determines there is a threat to the life, limb, or property of any human being or damage to any natural or cultural resource.

(2) Boating:

(a) Boating is allowed on any water body within managed lands unless the water body is posted otherwise. Posting may include restrictions on the use and the type of watercraft propulsion system allowed.

(b) No person shall operate any watercraft in swimming areas.

(3) Fishing:

(a) Fishing by any legal method is allowed in water bodies on managed lands, except where prohibited by the ~~Service Division~~. Applicable rules of the Florida Fish and Wildlife Conservation Commission apply.

(b) Fishing is prohibited in swimming areas.

(4) Camping and Day-Use:

(a) A limited number of camping facilities and day-use areas on managed lands may be reserved in advance.

(b) Camping within managed lands is authorized only in designated areas.

(c) Camping within managed lands, except in designated hunt camps, is limited to 14 consecutive days during any 30-day period.

(d) Camping within managed lands where a fee is required is authorized upon payment of that fee.

(e) Except upon special authorization by the ~~Service Division~~ and upon the ~~Service's Division~~ determination that there will be no danger to the health, safety, and welfare of the campgrounds, no more than five persons, with a maximum number of one recreational vehicle or two tents, are allowed per campsite.

(f) Visitors of registered campers in developed campgrounds are allowed provided the total number of visitors or their vehicles do not create a nuisance or hazard to other campers, interfere or obstruct pedestrian or vehicular traffic, or interfere with other proper uses of the camping facility.

(g) No pet is allowed on managed lands unless the pet is confined or restrained on a leash no more than ten feet in length. NOTE: Certain portions of managed lands may be posted prohibiting pets.

(h) In accordance with Section 790.15(1), Florida Statutes, it is a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes, to knowingly discharge a firearm in a state forest, unless a person is lawfully defending life or property or performing official

duties requiring the discharge of a firearm or discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or the Florida Forest Service. State forests are public places intended and designed to be frequented or resorted to by the public. State forest camping areas and day-use areas, including, but not limited to, hunt camps and the Croom Motorcycle Area, are not approved for hunting, and the discharge of a firearm in these areas is strictly prohibited. Firearms are prohibited on managed lands except during scheduled hunting season or in designated areas. No loaded firearm is allowed in a camping area or day-use area anytime. On lands designated as wildlife management areas or wildlife and environmental areas firearms may be used ~~possessed~~ as outlined in FWC Administrative Rule 68A-15.004 or 68A-17.004, F.A.C. Note: A person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns on managed lands (including non-wildlife management areas, camping areas and day-use areas) under the provisions of Section 790.06, F.S., throughout the year, unless otherwise prohibited pursuant to state or federal law.

(i) Checkout time for campers is 2 p.m. unless otherwise posted.

(j) Chainsaw use in camping facilities is prohibited.

(k) Persons who are not registered campers or visitors of registered campers are not allowed to park in camping facilities or use campsites.

(l) No person shall remain in any day-use facility after its designated closing time unless prior notification has been provided to the Service Division.

(m) Quiet time is 10 p.m. until sunrise.

(n) The Service Division reserves the right to set carrying capacities on managed lands in order to protect the natural resources.

(o) Organized groups must notify the Service Division, request reservations from the Service Division, and have written authorization from the Service Division to use managed lands. Authorization will be given absent a determination that the proposed use will adversely affect managed lands.

(5) Hunt Camps:

(a) The maximum number of persons allowed in an authorized hunt camp shall be predetermined based on the size and location of the site.

(b) If all hunt camp sites are occupied, then the Service Division may assign hunters to non-hunt campsites. No more than five persons will be allowed per campsite and the normal non-hunt campsite scheduled fee for the campsite shall be charged.

(c) Temporary structures may be erected in hunt camps on managed lands. Any such structure must be removed no later than six days after the end of the hunting season for which the hunt campsite authorization is issued. Persons that do not

remove camping equipment, trailers or temporary structures by this ending date will be charged the current primitive camp site rate per day until their removal.

(d) Hunt campsite authorizations are to be displayed on the numbered post designating the individual campsite.

~~(e) Loaded firearms are prohibited in hunt camps.~~

~~(e)(f)~~ Hunt camp permits shall be issued on a renewal basis, first come, first served basis or through a lottery system, depending upon the best resource management technique for each state forest that provides hunt camps. Only one hunt camp permit will be issued annually to a single household for Tate's Hell State Forest and John M. Bethea State Forest. No more than two hunt camp permits will be issued annually to a single household for Withlacoochee State Forest.

(6) Croom Motorcycle Area at Withlacoochee State Forest and Off-Highway Vehicle Trail System at Tates Hell State Forest:

~~(a) Firearms are prohibited within the boundaries of the Croom Motoreyele Area.~~

~~(a)(b)~~ No person shall operate an off-highway vehicle inside the boundaries of the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest unless the vehicle visibly displays a valid, permanently attached, motorcycle decal issued by the Service Division.

~~(b)(e)~~ No person shall operate an off-highway vehicle within the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest between sunset and sunrise.

~~(c)(d)~~ All persons operating off-highway vehicles on managed lands do so at their own risk and must comply with all established rules.

~~(d)(e)~~ No person shall operate an off-highway vehicle within the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest unless such vehicle has a muffler system conforming to the requirements of the Florida Highway Patrol Handbook.

~~(e)(f)~~ No person shall operate a off-highway vehicle motorized cycle faster than ten (10) miles per hour inside the Croom Motorcycle Area at Withlacoochee State Forest or the Off-Highway Vehicle Trail System at Tates Hell State Forest camping facilities and day-use parking areas.

~~(f)(g)~~ No person under the age of 16 shall operate or ride a off-highway vehicle motorized cycle in the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest without the direct supervision of an adult (18 years or older).

(7) No change.

Rulemaking Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, 3-2-09.

5I-4.007 Garbage, Water Pollution and Glass Containers.

(1) through (4) No change.

(5) Glass containers are prohibited in and around all waterways within the boundaries of managed lands and on any other area specified by the Service Division.

Rulemaking Specific Authority 589.011(4), 589.12 FS. Law Implemented 589.011(1), (4) FS. History–New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, _____.

5I-4.008 Vendors; Authorizations; Fees.

Any offsite commercial enterprise desiring to provide horses, canoes, bicycles, or other animals or equipment to any person for use on managed lands shall pay any applicable fees in accordance with subsection 5I-4.002(27), F.A.C., to the Service Division. The commercial enterprise shall provide all customers with copies of Service Division brochures containing general information governing use of the forest.

Rulemaking Specific Authority 589.011(4) FS. Law Implemented 589.011(1), (3) FS. History–New 5-24-92, Amended 11-6-95, 5-31-04, _____.

5I-4.011 Penalties for Violations.

Section 589.011(4), F.S., provides that the Florida Forest Service Division of Forestry on behalf of the state may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the Service Division for management purposes. Any person violating or otherwise failing to comply with any of the provisions of Section 589.011(4) or 589.071, F.S., or rules adopted pursuant to Section 589.011(4), F.S., is guilty of a non-criminal violation as defined in Section 775.08(3), F.S., punishable only by fine not to exceed \$500.00.

Rulemaking Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.011(4), 589.071 FS. History–New 5-24-92, Amended 1-19-95, 5-31-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James R. Karels, Director, Florida Forest Service

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

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-5.001	Purpose
5I-5.002	Definitions
5I-5.003	Use of Plant A Tree Trust Fund Monies
5I-5.004	Grant Application Process
5I-5.005	Reviewing and Processing of Grants
5I-5.006	Maintenance of Grant Award Projects
5I-5.007	Prioritization of Grant Applications
5I-5.008	Award of Grants
5I-5.009	Execution of Agreements and Documents
5I-5.010	Review of Projects in Progress and Upon Completion

PURPOSE AND EFFECT: Repeal of unnecessary rule chapter.
SUMMARY: The repeal of Chapter 5I-5, F.A.C., which no longer needed to operate the Forest Services’ tree planting programs.

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.

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 because repealing these unnecessary will not have an adverse impact or impose a regulatory cost.

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: 570.07(23), 589.277 FS.

LAW IMPLEMENTED: 589.277 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: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-5.001 Purpose.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 589.277 FS. History–New 3-8-93, Repealed _____.

5I-5.002 Definitions.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.003 Use of Plant A Tree Trust Fund Monies.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-3-94, Amended 4-17-95, Repealed.

5I-5.004 Grant Application Process.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.005 Reviewing and Processing of Grants.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.006 Maintenance of Grant Award Projects.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.007 Prioritization of Grant Applications.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.008 Award of Grants.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 8-19-93, Amended 4-17-95, Repealed.

5I-5.009 Execution of Agreements and Documents.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.010 Review of Projects in Progress and Upon Completion.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James R. Karels, Director, Florida Forest Service
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099822
RULE TITLE: School Improvement Rating for Alternative Schools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify that the performance of students attending a charter alternative school is not to be included in the student’s home school grade, to remove obsolete language equating an alternative school that has a declining rating with an “F” school, and to remove language regarding school recognition awards that duplicates language in the statute.

SUMMARY: This rule amendment is proposed to remove an obsolete clause in the rule’s definition of alternative schools pursuant to Section 1003.53, Florida Statutes, make minor technical edits to ensure that the rule language unambiguously conforms with provisions in the governing statute and to ensure that the crediting back of scores to home schools occurs only for students who have been assigned to alternative schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with school improvement ratings and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1008.34, 1008.341 FS.

LAW IMPLEMENTED: 1008.34, 1008.341 FS.

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

DATE AND TIME: February 28, 2012, 8:00 a.m.

PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fldoe.org>).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Croft, Bureau Chief, Accountability Reporting, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0429

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) Purpose. The purpose of this rule is to implement the requirements of Sections 1008.34 and 1008.341, F.S.

(2) School Eligibility.

(a) Definition of an alternative school for accountability purposes. An alternative school, for purposes of school accountability improvement ratings, is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, F.S., ~~and has students referred to the school by another school in any district.~~ Charter schools can be designated as alternative schools for the purposes of school accountability improvement ratings if the school's charter explicitly states that the mission of the charter school is to provide dropout prevention and academic intervention services through alternative education. This definition does not include "second chance schools" as defined by Section 1003.53, F.S., educational programs operated or contracted by Department of Juvenile Justice facilities, or district school board programs that serve students officially enrolled in dropout retrieval programs.

(b) In school year 2007-2008, and annually thereafter, school districts will have the opportunity to identify alternative schools for accountability purposes in compliance with the above guidelines. Those identified schools will have the option of earning a school grade, pursuant to Section 1008.34, F.S., or a school improvement rating, as outlined in subsection (5) of this rule.

(3) Accuracy of Data.

(a) Prior to the calculation of School Improvement Ratings for Alternative Schools, as described in subsection (5) of this rule, alternative schools will be identified in a cumulative list according to primary service type as designated in the Department of Education's Master School Identification file.

(b) Districts will be given the opportunity to review the cumulative list and submit additions and/or deletions, as necessary, to the Department of Education. Documentation required to make an addition or deletion to the list of alternative schools shall include, at a minimum:

1. Statement of the current mission of the school;
2. Description of the targeted student population;
3. Explanation of enrollment procedures; and
4. Verification that a majority of enrolled students are at-risk, low-performing students exhibiting discipline or attendance problems.

(4) Student Inclusion.

(a) As outlined in Section 1008.341(3), F.S., the calculation of a school improvement rating shall include the aggregate scores of students assigned to and enrolled in the alternative school during the October or February FTE count.

(b) As outlined in Section 1008.34(3)(b)3., F.S., the following students are not included in the accountability calculations for alternative schools:

1. Students subject to district school board policies for expulsion for repeated ~~and~~ or serious offenses;
2. Students who are in dropout-retrieval programs who have officially been designated as dropouts; and
3. Students who are in programs operated or contracted by the Department of Juvenile Justice.

(5) through (c)2. No change.

~~(d) Pursuant to Section 1008.341, F.S., schools that improve at least one level or maintain an "improving" rating are eligible for school recognition awards pursuant to Section 1008.36, F.S.~~

~~(e) If a school earns a "declining" rating, the school is subject to the same requirements as a school designated School Performance Grade F as outlined in Rule 6A-1.09981, F.A.C.~~

~~(d)6.~~ After the initial issuance of the school improvement ratings, school districts shall have the opportunity to review and submit for state review any appeal of the calculation as outlined in paragraph 6A-1.09981(9)(c), F.A.C.

(6) Student Performance Credited to Home School When Alternative School Receives a School Improvement Rating. If an alternative school chooses to be evaluated through a school improvement rating rather than a school grade, and the alternative school is not a charter alternative school established pursuant to Section 1002.33, F.S., the student performance of eligible students (identified in Section 1008.34(3)(b)3., F.S.) shall be included in the students' home school's grade as well as the alternative school's school improvement rating. An eligible student's performance will be included in the calculation of the home school's overall percentage of students making learning gains in reading and in math, provided that the student is enrolled in a grade level at the alternative school that is offered by the student's home school.

Rulemaking Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History—New 4-14-08, Amended 6-22-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kris Ellington, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2012

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

THE FULL TEXT OF THE PROPOSED RULE IS:

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0131
 RULE TITLE: Critical Teacher Shortages

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule language to include additional data elements that must be used when analyzing the Critical Teacher Shortage areas. These updates are also being made to be compliant with Senate Bill 736, The Student Success Act. The effect is a rule aligned with Florida Statutes.

SUMMARY: Section 1012.07, Florida Statutes, was amended to provide further clarity on determining and indentifying critical teacher shortage areas. The proposed rule amendment further clarifies the definition of critical teacher areas in relation to workforce demands and emerging educational requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and; 2) based on past experiences with the Critical Teacher Shortages and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), 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: 1001.02, 1012.07 FS.

LAW IMPLEMENTED: 1012.07 FS.

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

DATE AND TIME: February 28, 2012, 8:00 a.m.

PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fl DOE.org>).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Hebda, Deputy Chancellor for Educator Quality, 325 W. Gaines St., Suite 1502, Tallahassee, FL 32399, (850)245-0509

6A-20.0131 Critical Teacher Shortages.

(1) On or before ~~January 31~~ ~~December 1~~ of each year, the Commissioner shall recommend to the State Board for approval the specific teaching areas and high priority locations in which critical teacher shortages are projected for the public schools during the year following the academic year in which approval is made.

(2) In accordance with procedures approved by the Commissioner, a list of critical teacher shortage areas shall be prepared based on consideration of current supply and demand information, vacancy information in each teaching discipline, and emerging educational requirements. In addition, data related to Florida public school instructional personnel shall include including but not be limited to:

~~(a) The number and percentage of vacant positions in each teaching discipline;~~

~~(a)(b)~~ The number and percentage of positions in each discipline filled by teachers not certified in the appropriate field;

~~(b)(c)~~ The projected annual supply of graduates of state approved Florida teacher education programs for each discipline; and

~~(c)(d)~~ Critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards. Such areas shall be identified based on consideration of at least the information specified in paragraphs (2)(a) and (b) of this rule and shall be submitted to the Department no later than June 1 of each year.

(3) Based on data submitted annually by each school district, the Commissioner shall rank all public schools in accordance with the criteria provided in Section 1012.07, Florida Statutes, and shall select from this ranked list those schools to be identified as high priority locations.

(4) Based on the recommendations of the Commissioner, the State Board shall adopt a list of approved critical teacher shortage areas and high priority locations ~~to be used in conjunction with the programs described in Rules 6A-20.012 and 6A-20.013, F.A.C.~~

Rulemaking Specific Authority 1001.02(1), 1012.07(1) FS. Law Implemented ~~1009.58, 1009.59~~, 1012.07 FS. History--New 5-24-84, Formerly 6A-7.16, 6A-7.016, Amended 10-18-94, 5-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

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

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: RULE TITLE:
19B-8.002 Age Limitations

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan rule providing a clarification of when does the Board determine the need to impose an additional amount on an account when beneficiaries are substituted, and provide a clarification of the age limitation permitting the substitution of beneficiaries.

SUMMARY: This rule change amending to provide clarification of when additional amount on an account is required when substituting beneficiaries.

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.

1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes.

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 17, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax request to: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee,

Florida. Facsimile (850)488-3555. 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: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.002 Age Limitations.

The transfer to a substitute beneficiary is limited to individuals who are no more than three years, younger or older, from the age of the original ~~younger than the~~ qualified beneficiary, ~~or no more than three years older than the qualified beneficiary,~~ without assessment of an additional advance payment contract price. If transfer to a substitute beneficiary more than three years, younger or older, from the age of the original ~~older than~~ the qualified beneficiary is desired, application must be made to the Board. The Board will ~~may~~ assess an additional amount only if the change results in a negative impact on ~~to ensure~~ the actuarial soundness of the trust fund.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History--New 3-29-89, Formerly 4G-8.002, Amended 6-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Thompson, Interim Executive Director.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin Thompson, Interim Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2011

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

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: RULE TITLE:
19B-12.003 Financial Hardship

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan rule providing when additional proof of hardship will be required.

SUMMARY: This rule change amends when the Florida Prepaid College Plan will require additional information to demonstrate a financial hardship.

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.

1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes.

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 17, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax request to Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308. Facsimile (850)488-3555. 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: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-12.003 Financial Hardship.

(1) through (2) No change.

(3) For purposes of this Chapter, the term “financial hardship” shall be defined to include any loss of employment or income by a contract purchaser or the spouse of a contract purchaser which limits or otherwise impairs the ability of the contract purchaser to make timely payments on a contract with the Board. A financial hardship will also be found to exist whenever a contract purchaser can demonstrate to the Board that medical circumstances, such as hospitalization of the

purchaser or the spouse of the purchaser, that limit or otherwise impair the contract purchaser’s ability to make timely payments on a contract with the Board. Proof of loss of employment or income or proof of medical circumstances cited in any Petition will may be required by the Board only when circumstances are not clearly cited.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 5-17-92, Formerly 4G-12.003, Amended 6-20-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Thompson, Interim Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin Thompson, Interim Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2011

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.312
 RULE TITLE: Exceptions

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to hospital standards and licensure.

SUMMARY: The rule allows special hospitals to apply for an exception to rules and standards relating to operational functions, design and construction of special hospitals. The Agency proposes to repeal this rule based upon no statutory mandate for its purpose.

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 there is no statutory authority for this rule and that repeal will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. 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: Statutory authority does not exist for this rule.

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

RULEMAKING AUTHORITY: 395.003, 395.0163, 395.1055, 408.819 FS.

LAW IMPLEMENTED: 395.002, 395.1055 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: February 23, 2012, 10:00 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly A. Stewart, Phone: (850)412-4362. 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: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.312 Exceptions.

Rulemaking Specific Authority 395.003, 395.0163, 395.1055 FS. Law Implemented 395.002, 395.1055 FS. History—New 2-15-82, Formerly 10D-28.111, 59A-3.111, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-4.166	Nursing Home Consumer Satisfaction Survey

PURPOSE AND EFFECT: The Agency for Health Care Administration proposes this rule be repealed due to the Nursing Home Consumer Satisfaction Survey is abolished due to the repeal of the statutory authority of Section 400.0225, Florida Statutes. This rule is no longer necessary and no longer has statutory authority.

SUMMARY: This rule is being repealed because Section 400.0225, Florida Statutes was repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The 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 required upon and described herein: The underlying statutory authority of this rule has been repealed; therefore, the rule is no longer necessary.

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: 400.0225 FS.

LAW IMPLEMENTED: 400.0225 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: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or via email at Jacqueline.williams@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.166 Nursing Home Consumer Satisfaction Survey.

Rulemaking Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History—New 6-3-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacqueline Williams

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-6.021	Surveys and Evaluations

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: The rule repeats statutory requirements.

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: Review and analysis of statutory sections cited for this rule determined that the rule being repealed is not consistent with statutory language cited as law implemented by this rule and included a repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required for this rule.

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

RULEMAKING AUTHORITY: 483.291 FS.

LAW IMPLEMENTED: 483.294 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 2, 2012, 1:00 p.m. – 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dayle Mooney, Program Administrator, AHCA Laboratory Unit, 2727 Mahan Drive, MS #32, Tallahassee, FL 32308, Telephone (850)412-4380, E-mail: Dayle.Mooney@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-6.021 Surveys and Evaluations.

Rulemaking Specific Authority 483.291 FS. Law Implemented 483.305 FS. History–New 3-20-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dayle Mooney

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-6.032
 RULE TITLE: Advertising and Promotional Material

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: The rule repeats statutory requirements and is not mandated by statute.

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: Review and analysis of statutory sections cited for this rule determined that the rule being repealed is not consistent with statutory language cited as law implemented by this rule and included a repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S., is required for this rule.

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

RULEMAKING AUTHORITY: 483.291 FS.

LAW IMPLEMENTED: 483.305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 2, 2012, 2:00 p.m. – 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dayle Mooney, Program Administrator, AHCA Laboratory Unit, 2727 Mahan Drive, MS#32, Tallahassee, FL 32308, Telephone (850)412-4500, E-mail: Dayle.Mooney@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-6.032 Advertising and Promotional Material.

Rulemaking Specific Authority 483.291 FS. Law Implemented 483.305 FS. History–New 3-20-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dayle Mooney
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Elizabeth Dudek, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-8.0025
RULE TITLE: Telephone Reporting

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal Rule 59A-8.0025, F.A.C. This rule is no longer needed since the requirements are now in state law.

SUMMARY: Rule 59A-8.0025, F.A.C., requires notification of patients of the toll-free abuse hotline telephone number and gives the time frame for the Agency to notify home health agencies of changes to telephone number. The requirements are now in Section 408.810(5)(a), Florida Statutes. Therefore, the rule needs to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

A SERC has not been prepared because the rule duplicates what is already in state law at Section 408.810(5)(a), F.S. and does not add any cost to home health agencies.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that legislative ratification pursuant to Section 120.541(3), Florida Statutes, is not needed for the repeal of Rule 59A-8.0025, F.A.C., because the requirements are now in state law and the removal of the duplicative rule does not add any costs to home health agencies.

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: 400.497 FS.

LAW IMPLEMENTED: 400.497 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-8.0025 Telephone Reporting.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.497 FS. History—New 5-30-90, Formerly 10D-68.0025, Amended 10-27-94, 1-17-00, 7-18-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-9.018
RULE TITLE: Purpose

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to abortion clinic standards and licensure.

SUMMARY: The rule states the purpose of rules within Chapter 59A-9, F.A.C., is to establish standards for abortion clinics. The Agency proposes to repeal this rule based upon no statutory mandate for its purpose.

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 there is no statutory authority for this rule and that repeal will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 390.012, 408.819 FS.

LAW IMPLEMENTED: 381.0012, 382, 390.011, 390.012, 390.013 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: February 23, 2012, 10:30 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly A. Stewart, Phone: (850)412-4362. 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: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.018 Purpose.

Rulemaking Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History--New 6-13-90, Formerly 10D-72.018, Amended 9-25-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-10.031 Purpose

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to health care risk manager licensure.

SUMMARY: The rule states the purpose of Sections 395.10971 through 395.10975, F.S. – to establish specific standards within the scope of general qualifications that must be met by an individual to receive a license as a health care risk manager. The Agency proposes to repeal this rule as it is not substantive and serves no actual purpose.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined this repeal involves an unnecessary statement of purpose and 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 repeal of the rule. Statements of estimated regulatory costs (SERCs) have not been prepared by the Agency based on the determination that the repeal will not impact small businesses.

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: 395.10973(1), 408.819 FS.

LAW IMPLEMENTED: 395.10974 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: February 23, 2012, 9:30 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly A. Stewart, Phone: (850)412-4362. 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: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-10.031 Purpose.

Rulemaking Specific Authority 395.10973(1) FS. Law Implemented 395.10974 FS. History--New 7-9-86, Formerly 4-65.001, 4-217.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-11.011
 RULE TITLE: Client Orientation and Preparation for Childbirth

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to birth center standards and licensure.

SUMMARY: The rule outlines what must be included in a client’s orientation and preparation for childbirth when delivering in a birth center. The Agency proposes to repeal this rule as it substantially restates the language in Section 383.311, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency proposes to repeal this rule as it substantially restates the language in Section 383.311, 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: 383.309, 408.819 FS.

LAW IMPLEMENTED: 383.311 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: February 23, 2012, 1:00 p.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly A. Stewart, Phone: (850)412-4362. 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: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-11.011 Client Orientation and Preparation for Childbirth.

Rulemaking Specific Authority 383.309 FS. Law Implemented 383.311 FS. History—New 3-4-85, Formerly 10D-90.11, 10D-90.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-18.001, 59A-18.015, 59A-18.016
 RULE TITLES: Purpose, Surveys and Inspections, Penalties

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to repeal Rules 59A-18.001, 59A-18.015, and 59A-18.016, F.A.C. The rules are no longer needed because the content is in state laws. The effect is that requirements in state rules that duplicate what is in state law will be removed.

SUMMARY: Rule 59A-18.001, F.A.C., repeats the purpose that is stated in Section 400.462(2), F.S. The requirements for access to records and frequency of surveys in Rule 59A-18.015, F.A.C., are now in state law at Section 408.811, F.S.; therefore, the rule is no longer needed. Rule 59A-18.016, F.A.C., provides authority for injunctions and specifies fine amounts. Since the authority for injunctions is in Section 408.816, F.S., and amounts for fines are specified in Section 400.484(2), 408.806(2)(d), and 400.506(4) and (15), F.S., Rule 59A-18.016, F.A.C., needs to be repealed. Also, the Agency’s review of the rules found that the Agency does not have legal authority in the state law to keep Rule 59A-18.016, F.A.C., and it must be repealed.

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: Rule 59A-18.001, F.A.C., is a single sentence that states the purpose of the rule chapter. It repeats what is stated as the purpose of the Chapter 400, Part III, F.S. The removal of

this one sentence rule adds no costs to home health agencies whatsoever. Rule 59A-18.015, F.A.C., repeats the requirements for access to records and the frequency of surveys that is already stated in Section 408.811, F.S., for all facilities licensed by the Agency. The removal of Rule 59A-18.015, F.A.C., adds no cost to home health agencies since the requirements remain in the state law. Rule 59A-18.016, F.A.C., must be removed because the Agency has no legal authority to continue the rule. The removal of the rule will save costs for home health agencies because the fine for submitting late changes of ownership applications will be removed from the rule.

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

RULEMAKING AUTHORITY: 400.497, 400.506 FS.

LAW IMPLEMENTED: 400.497, 400.506 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-18.001 Purpose.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.497, 400.506 FS. History–New 2-9-93, Amended 12-24-00, Repealed.

59A-18.015 Surveys and Inspections.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.481, 400.484, 400.506 FS. History–New 2-9-93, Amended 1-27-94, 12-24-00, 3-15-07, Repealed.

59A-18.016 Penalties.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.497, 400.506 FS. History–New 2-9-93, Amended 1-27-94, 12-24-00, 3-15-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-22.002	Definitions
59A-22.003	Required Screening Documents and Fees
59A-22.004	Requirements for Screening of Employees and Administrators
59A-22.006	Results of Screening and Notification
59A-22.008	Finding of Disqualification
59A-22.009	Exemption From Disqualification
59A-22.010	Appeal of Exemption Denial
59A-22.011	Confidentiality of Screening Records

PURPOSE AND EFFECT: This rule provides guidance for conducting a background screening as required by law for employment within a health care provider regulated by the Agency for Health Care Administration.

SUMMARY: Background screening laws for employment for a health care provider regulated by the Agency for Health Care Administration significantly changed during the 2010 legislative session; rule authority is now in Chapter 408, Part II and included in Chapter 59A-35, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the background screening process currently has rules in Chapter 59A-35, F.A.C., that comply with the legislative changes and the Agency’s rulemaking authority, the repeal of these rules will not affect the screening process.

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: 400.497, 400.512 FS.

LAW IMPLEMENTED: 400.497, 400.512 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: CaraLee Starnes

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-22.002 Definitions.

Rulemaking Specific Authority 400.497, 400.152 FS. Law Implemented 400.462, 400.512, 400.497 FS. History–New 1-5-95, Repealed _____.

59A-22.003 Required Screening Documents and Fees.

Rulemaking Specific Authority 400.512, 400.497 FS. Law Implemented 400.512, 400.497 FS. History–New 1-5-95, Repealed _____.

59A-22.004 Requirements for Screening Employees and Administrators.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

59A-22.006 Results of Screening and Notification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

59A-22.008 Findings of Disqualification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

59A-22.009 Exemption from Disqualification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

59A-22.010 Appeal of Exemption Denial.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

59A-22.011 Confidentiality of Screening Records

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

CaraLee Starnes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-27.003 Inspections

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal Rule 59A-27.003, F.A.C. This rule is no longer needed since the requirements are now in state law.

SUMMARY: Rule 59A-27.003, F.A.C., states that AHCA employees shall have access to health care services pool offices and records to conduct investigations as are necessary. The requirements are now in Section 408.811, Florida Statutes. Therefore, the rule needs to be repealed.

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: Rule 59A-27.003, F.A.C., paraphrases the requirements for access to offices and records to conduct investigations that are already stated in Section 408.811, F.S., for all facilities licensed by the Agency, including health care services pools. The removal of the rule adds no costs to health care services pools since the existing requirements remain in the state law.

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: 400.980 FS.

LAW IMPLEMENTED: 400.980 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-27.003 Inspections.

Rulemaking Specific Authority 400.980 FS. Law Implemented 400.980 FS. History–New 8-2-90, Amended 8-12-91, Formerly 7G-1.011, 61E6-1.011, 64B22-1.003, Amended 6-27-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Anne Menard
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-33.003	Initial License Applications Applicability
59A-33.004	Renewal License Applications
59A-33.005	Change of Ownership License Applications
59A-33.010	Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses
59A-33.011	Magnetic Resonance Imaging Exemption for Chief Financial Officer

PURPOSE AND EFFECT: The agency intends to repeal each rule. The purpose is to eliminate those rules that are redundant, superfluous or superseded by statute or comparable agency rule. The effect will not have a substantial impact on current forms, agency license processes or forms.

SUMMARY: Rules 59A-33.003; 59A-33.004 and 59A-33.005, F.A.C., involve the licensing process for initial, renewal and change of ownership licenses and have been superseded and substantially replaced by statute, Part II, Ch. 408 FS, the Health Care Licensing Procedures Act and rules, Chapter 59A-35, F.A.C., created under that act. Rule 59A-33.010, F.A.C., provides regulation over the cessation of business and the return of licenses that have been suspended or revoked. The Health Care Licensing Procedures Act and rules supersede and substantially replace the need for this rule. Rule 59A-33.011, F.A.C., provides an exemption process by which a chief financial officer may review billings in licensed clinics as required by Section 400.9935(1)(g), F.S. The statute in (1)(g) follows the statutory exemption that is sufficiently specific without rule implementation. Moreover, the Agency knows of no licensed clinic that currently utilizes the rule exemption. The exemption will still exist by following the requirements of the statute.

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 analyzed the proposed rules and has determined that the proposed rules's repeal is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly required upon and described herein: Review and analysis of statutory sections cited for this rule determined that the repeal of Rules 59A-33.003; 59A-33.004; 59A-33.005, and 59A-33.010, F.A.C., is to eliminate rules that have been superseded or replaced by the passage of Chapter 408, Part II, Florida Statutes and Chapter 59A-35, Florida Administrative Code, which makes the current rules redundant, in conflict or superfluous. There should be no regulatory cost to the public or change in regulation due to legislative and administrative rule changes since these rules were originally promulgated in 2006. Rule 59A-33.011, F.A.C., relates to an exemption for magnetic Resonance Imaging clinics that use a chief financial officer to review billings under Section 400.9935(1)(g), F.S., in lieu of having a medical or clinic director assume those duties. The statute adequately explains the exemption and currently the Agency knows of no licensed facilities that use this exemption. The exemption is created by statute and the rule is either redundant or superfluous. The exemption will still exist in statute after this rule is repealed.

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 that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 400.9925 FS.

LAW IMPLEMENTED: 400.991, 400.992, 400.9935(9), 400.991(4), (8), (9), 400.991(1), 400.9935(5), (11)(a), 400.995(1), (5), 400.991(7)(d), 400.992(4)-(5), 400.9925(1)-(5), 400.993(2), 400.995(1), (6), (7), 400.991, 400.993, 400.994, 400.995, 400.9905(3), 400.9935(11)(a), (g) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 24, 2012, 10:30 a.m. EST

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Dennis LaRosa, OMC Manager, Health Care Clinic Unit, Health Quality Assurance, Dennis.LaRosa@ahca.myflorida.com; (850)412-4415. 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 RULES IS: Dennis LaRosa, OMC Manager, Health Care Clinic Unit, Health Quality Assurance, Dennis.LaRosa@ahca.myflorida.com, (850)412-4415

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-33.003 Initial License Applications Applicability.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991, 400.992, 400.9935(9) FS. History–New 8-28-06, Repealed.

59A-33.004 Renewal License Applications.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991(4), (8), (9), 400.991(1) 400.9935(5), (11)(a), 400.995(1), (5) FS. History–New 8-28-06, Repealed.

59A-33.005 Change of Ownership License Applications.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991(7)(d), 400.992(4)-(5), 400.9925(1)-(5), 400.993(2), 400.995(1), (6), (7) FS. History–New 8-28-06, Repealed.

59A-33.010 Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991, 400.993, 400.994, 400.995 FS. History–New 8-28-06, Repealed.

59A-33.011 Magnetic Resonance Imaging Exemption for Chief Financial Officer.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.9905(3), 400.9935(11)(a), (g) FS. History–New 8-28-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Gregg

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-6.008	Health Care Entities Required to Report and Pay Assessment
59B-6.009	Definitions
59B-6.010	Adoption and Establishment of AHCA AMBFAC Report Forms
59B-6.011	Manner for Submitting Reports
59B-6.012	Physician Professional Fees
59B-6.013	Unrelated Revenue
59B-6.014	Change of Fiscal Year
59B-6.015	Change of Ownership or New Health Care Entity
59B-6.016	Change of Health Care Entity Address
59B-6.017	Extensions
59B-6.018	Information Letters
59B-6.019	Notice of Reporting Deficiencies and Response
59B-6.020	Audits of Health Care Entities
59B-6.021	Certification of PMATF Assessment
59B-6.022	Calculation and Payment of Assessment
59B-6.023	Penalties for Reporting Deficiencies
59B-6.024	Penalties for Assessment Payment Deficiencies

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: Statutory authority (Section 395.7015, F.S.) was found to be unconstitutional.

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: Based on the fact that the underlying statutory authority for this chapter was found to be unconstitutional, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 395.7015(5) FS.

LAW IMPLEMENTED: 395.7015 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: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-6.008 Health Care Entities Required to Report and Pay Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.009 Definitions.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.010 Adoption and Establishment of AHCA AMBFAC Report Forms.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.011 Manner for Submitting Reports.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.012 Physician Professional Fees.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.013 Unrelated Revenue.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.014 Change of Fiscal Year.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.015 Change of Ownership or New Health Care Entity.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.016 Change of Health Care Entity Address.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.017 Extensions.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.018 Information Letters.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.019 Notice of Reporting Deficiencies and Response.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.020 Audits of Health Care Entities.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408, 408.08(1) FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.021 Certification of PMATF Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.022 Calculation and Payment of Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History–New 5-7-92, Repealed.

59B-6.023 Penalties for Reporting Deficiencies.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015, 408.08 FS. History–New 5-7-92, Repealed.

59B-6.024 Penalties for Assessment Payment Deficiencies

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015(5), 408.08 FS. History–New 5-7-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ryan Fitch

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.043 RULE TITLE: Burn Units

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: Statutory requirements revoke rulemaking authority from the Certificate of Need purview. A new Burn Unit licensure rule was established in December 2010, pursuant to Section 408.0361, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the Certificate of Need Unit no longer has rulemaking authority over Burn Units.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., based on the fact that the Certificate of Need Unit no longer has rulemaking authority in regards to Burn Units.

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

RULEMAKING AUTHORITY: 408.0361 FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(a), (e), (h), (m), 408.039(4)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.043 Burn Units.

Rulemaking Specific Authority 408.0361 FS. Law Implemented 408.034(3), 408.035, 408.036 (1)(a)(e)(h)(m), 408.039(4)(a) FS. History—New 1-1-77, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marisol Novak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-2.0021	Board Officers; Election and Duties
59E-2.0053	Meetings Conducted by Communications Media Technology
59E-2.014	Model Rules of Procedure
59E-2.015	Filing Requirements; Facsimile Transmission

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: Statutory authority (Chapter 407, F.S.) for Hospital Cost Containment Board no longer exists.

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: Based on the fact that the underlying statutory authority for these rules no longer exists, the Agency has determined that no legislative ratification pursuant to subsection 120.541 (3), F.S. is required.

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

RULEMAKING AUTHORITY: 408.15, 407.01, 407.03, 120.53 FS.

LAW IMPLEMENTED: 120.52, 120.53, 407.03, 408.061, 408.062, 408.072, 408.08 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: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-2.0021 Board Officers; Election and Duties.

Rulemaking Specific Authority 407.01, 407.03 FS. Law Implemented 120.53, 407.03 FS. History—New 6-1-92, Repealed.

59E-2.0053 Meetings Conducted by Communications Media Technology.

Rulemaking Specific Authority 120.53, 407.03 FS. Law Implemented 120.52, 120.53 FS. History–New 6-1-92, Repealed.

59E-2.014 Model Rules of Procedure.

Rulemaking Specific Authority 408.15 FS. Law Implemented 120.53 FS. History–New 2-29-96, Repealed.

59E-2.015 Filing Requirements; Facsimile Transmission.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061, 408.062, 408.072, 408.08 FS. History–New 6-1-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ryan Fitch

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-4.001	Purpose
59E-4.002	Definitions
59E-4.004	Financial Reporting Requirements
59E-4.005	Special Information Requests
59E-4.009	Change of Ownership
59E-4.011	Collection of Data on Nursing Home Charges

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: The underlying statutory authority (Section 407.03, F.S.) for this chapter was repealed. Therefore all of the rules for Chapter 59E-4, F.A.C., will be repealed.

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: Based on the fact that the underlying statutory authority (407.03 F.S.) for this chapter was repealed the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 407.03 FS.

LAW IMPLEMENTED: 407.03 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: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-4.001 Purpose.

Rulemaking Specific Authority 407.03 FS. Law Implemented 407.30-34 FS. History–New 9-24-86, Repealed.

59E-4.002 Definitions.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 407.07(41) FS. History–New 9-24-86, Repealed.

59E-4.004 Financial Reporting Requirements.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061, 408.062 FS. History–New 2-4-87, Repealed.

59E-4.005 Special Information Requests.

Rulemaking Specific Authority 408.61 FS. Law Implemented 408.061, 408.062, 408.08 FS. History–New 9-24-86, Repealed.

59E-4.009 Change of Ownership.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061 FS. History–New 9-24-86, Repealed.

59E-4.011 Collection of Data on Nursing Home Charges.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.062 FS. History–New 6-8-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ryan Fitch

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NO.: 59E-7.020
 RULE TITLE: Inpatient Data Reporting
 PURPOSE AND EFFECT: The Agency is proposing repeal of Rule 59E-7.020, F.A.C.

SUMMARY: Repeal of unnecessary rule preface stating the purpose of inpatient data reporting.

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: Repeal of unnecessary rule preface.

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

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.05, 408.07, 408.08 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: Patrick Kennedy, (850)412-3757

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-7.020 Inpatient Data Reporting.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08 FS. History—New 1-1-10. Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Kennedy, (850)412-3757

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid**

RULE NOS.:	RULE TITLES:
59G-7.003	Medicaid Third Party Liability Responsibility and Notices
59G-7.004	Forms
59G-7.023	Probable Existence of Third-Party Liability Established
59G-7.032	Recovery of Reimbursement – General
59G-7.0322	Conflicting Claims by Medicare and Medicaid
59G-7.0331	Small Claim Exception under Paragraph (11)(f) of the MTPLA
59G-7.0332	All Medical Assistance; Medicaid Program Repaid First
59G-7.034	Settlement Agreements
59G-7.035	Fees of Recipient’s Attorney
59G-7.051	Required to Seek Reimbursement
59G-7.053	Hospital Third-Party Liability Plan
59G-7.054	Prompt Repayment
59G-7.056	Benefits under Certain Plans
59G-7.057	Provider Third-Party Liability Audits
59G-7.058	Billing Statement and Medical Records
59G-7.0581	Statements as Notice
59G-7.060	Cooperation Required
59G-7.0601	Non-cooperation
59G-7.061	Duty to Inform
59G-7.062	Notice of Proceedings or Claim
59G-7.063	Settlement and Notice
59G-7.064	Appearance to Provide Information
59G-7.073	Proceeds of Tort Recovery Required to be Held in Trust

PURPOSE AND EFFECT: Repeal rules associated with Medicaid Third Party Liability Program.

SUMMARY: The proposed repeal eliminates certain repetitive or obsolete rules. The rules are either repetitive as the language is in the Medicaid Third-Party Liability Act, Section 409.910, F.S. or reflect obsolete programs. Repeal of these rules will not negatively impact the Medicaid Third Party Liability Program; current operation of the program will not change as a result of these repeals.

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 rules are either repetitive as the language is in the Medicaid Third-Party Liability Act, Section 409.910, F.S. or reflect obsolete programs. The Agency determined that the repeal of these rules will not impose regulatory costs and will not have an adverse impact on the public.

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: 20.05, 120.53(1)(b), (c), 409.026(1), (6), (8), 409.285, 409.910(21), (22), (23), 409.919 FS.

LAW IMPLEMENTED: 120.52(16), 120.53(1)(b)(c), 120.57, 120.58, 120.68, 409.257, 409.901, 409.902, 409.907, 409.908, 409.910(1), (3), (20), 409.912, 409.913, 409.920(2)(a), (c), 409.285, 624.424(9), 641.261, 641.411, FS.; 42 U.S.C. ss. 1396a(a)(25), (a)(27), (a)(45), 1396k (Social Security Act ss. 1902(a)(25), 1396k (Social Security Act ss. 1902(a)(25), (a)(27), (a)(45), 1912); 42 C.F.R. ss. 433.135-433.140, 447.15, 447.20, 447.21 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: Lee Peacock, Agency for Health Care Administration, Division of Operations, Third Party Liability, Telephone No. (850)412-4139, email lee.peacock@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-7.003 Medicaid Third Party Liability Responsibility and Notices.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.003, Amended 10-3-96, Repealed.

59G-7.004 Forms.

Rulemaking Specific Authority 120.53(1)(b), (c), 409.026(1), (6), (8), 409.910(23), 409.919 FS. Law Implemented 120.52(16), 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.004, Amended 10-3-96, Repealed.

59G-7.023 Probable Existence of Third-Party Liability Established.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910(1), (3) FS. History–New 11-13-91, Formerly 10C-35.023, Amended 10-3-96, Repealed.

59G-7.032 Recovery of Reimbursement – General.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.032, Amended 10-3-96, Repealed.

59G-7.0322 Conflicting Claims by Medicare and Medicaid.

Rulemaking Specific Authority 409.919 FS. Law Implemented 120.53(1)(b), (c), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0322, Amended 10-3-96, Repealed.

59G-7.0331 Small Claim Exception under Paragraph (11)(f) of the MTPLA.

Rulemaking Specific Authority 120.53(1), 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0331, Amended 10-3-96, Repealed.

59G-7.0332 All Medical Assistance; Medicaid Program Repaid First.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.0332, Amended 10-3-96, Repealed.

59G-7.034 Settlement Agreements.

Rulemaking Specific Authority 20.05, 120.53(1)(b), (c), 409.026(8), 409.285, 409.910(23), 409.919 FS. Law Implemented 120.53(1)(b), (c), 120.57, 120.58, 409.285, 409.902, 409.910 FS. History–New 11-13-91, Formerly 10C-35.034, Amended 10-3-96, Repealed.

59G-7.035 Fees of Recipient’s Attorney.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.035, Amended 10-3-96, Repealed.

59G-7.051 Required to Seek Reimbursement.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.051, Amended 10-3-96, Repealed.

59G-7.053 Hospital Third-Party Liability Plan.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.053, Amended 10-3-96, Repealed.

59G-7.054 Prompt Repayment.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.054, Amended 10-3-96, Repealed.

59G-7.056 Benefits under Certain Plans.

Rulemaking Specific Authority 409.026(8), 409.910(21), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS.; 42 U.S.C. ss. 1396a(a)(25), (a)(27), (a)(45), 1396k (Social Security Act ss. 1902(a)(25), (a)(27), (a)(45), 1912); 42 C.F.R. ss. 433.135-433.140, 447.15, 447.20, 447.21. History–New 11-13-91, Formerly 10C-35.056, Repealed.

59G-7.057 Provider Third-Party Liability Audits.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.057, Amended 10-3-96, Repealed.

59G-7.058 Billing Statement and Medical Records.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.058, Amended 10-3-96, Repealed.

59G-7.0581 Statements as Notice.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.0581, Amended 10-3-96, Repealed.

59G-7.060 Cooperation Required.

Rulemaking Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.060, Amended 10-3-96, Repealed.

59G-7.0601 Non-cooperation.

Rulemaking Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.0601, Amended 10-3-96, Repealed.

59G-7.061 Duty to Inform.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.061, Amended 10-3-96, Repealed.

59G-7.062 Notice of Proceedings or Claim.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.062, Amended 10-3-96, Repealed.

59G-7.063 Settlement and Notice.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.063, Amended 10-3-96, Repealed.

59G-7.064 Appearance to Provide Information.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.58, 409.257, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.064, Amended 10-3-96, Repealed.

59G-7.073 Proceeds of Tort Recovery Required to be Held in Trust.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.073, Amended 10-3-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Lee Peacock

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: 59G-8.400
RULE TITLE: Medicaid Physician Access System
PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: The rule is obsolete, unnecessary, and redundant of other statute provisions, federal regulations, and handbook provisions promulgated by rule. Repeal of the rule will not negatively impact the Medicaid Physician Access System. The program will continue to operate in the same manner as it currently operates. The rule is not mandated by statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency determined that repeal of this rule will not impose any regulatory cost and will not have any adverse impact on the public.

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: 409.9121, 409.9122 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: Tracy Hurd-Alvarez, AHC Administrator, AHCA PCCM Unit, 2727 Mahan Drive, MS#50, Tallahassee, FL 32308, Telephone (850)412-4004, E-mail: Tracy.Hurd-Alvarez@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.400 Medicaid Physician Access System.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.9121, 409.9122 FS. History--New 6-10-91, Formerly 10C-7.067, Amended 12-18-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tracy Hurd-Alvarez

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.700
 RULE TITLE: Child Health Services Targeted Case Management

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Child Health Services Targeted Case Management. The rule will incorporate by reference a new handbook, October 2011.

SUMMARY: The new handbook will include guidelines specific to the Child Health Services Targeted Case Management Program such as definitions, policy, responsibilities, coverage, limitations, and reimbursement.

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: At the time of the analysis of the regulatory impact it was determined that this rule will not require ratification by the Legislature pursuant to Section 120.541(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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 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, February 21, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, 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: Gail Underwood at the Bureau of Medicaid Services, (850)412-4224. 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: Gail Underwood, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4224, e-mail: gail.underwood@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.700 Child Health Services Targeted Case Management.

Individuals enrolled as Child Health Services targeted case managers must be in compliance with the Child Health Services Targeted Case Management Handbook, October 2011, which is incorporated by reference. Medicaid will reimburse only targeted case management services that are provided by enrolled individual treating providers employed or contracted with an enrolled targeted case management group provider or agency. Such enrolled provider or agency is not permitted to subcontract with another provider or agency for service delivery.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gail Underwood

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2010

AGENCY FOR HEALTH CARE ADMINISTRATION

Psychotherapy Services

RULE NO.: 59GG-33.001
 RULE TITLE: Registration of Mental Health Trainees and Interns

PURPOSE AND EFFECT: This rule will be repealed.
 SUMMARY: The specific authority, Section 490.014(5), F.S., was removed in 1996, therefore revoking the rulemaking authority for Rule 59GG-33.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the fact statutory authority for the rulemaking of Rule 59GG-33.001, F.A.C., no longer exists, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 490.014(5), 491.014(5) FS.
 LAW IMPLEMENTED: 490.014(5), 491.014(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: Marisol Novak, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4434

THE FULL TEXT OF THE PROPOSED RULE IS:

59GG-33.001 Registration of Mental Health Trainees and Interns.

Rulemaking Specific Authority 490.014(5), 491.014(5) FS. Law Implemented 490.014(5), 491.014(5) FS. History–New 2-10-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marisol Novak
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.: 60L-36.002, 60L-36.005
 RULE TITLES: Political Activities, Disciplinary Standards

PURPOSE AND EFFECT: To correct the inadvertent omission of the term “local” when the rule was last amended. The statute specifically mentions local office, so it should be included in Rule 60L-36.002, F.A.C. Also to update Rule 60L-36.005, F.A.C., changes to reflect the deadline for appeal established in Section 110.227(5)(a), F.S., as well as changes from HB 887, which was signed by the Governor on June 10, 2008.

SUMMARY: Stipulating that career service employees may hold local public office if authorized by the agency head and approved by the Department; including an involuntary transfer of more than 50 miles by highway as one of the actions requiring employee notification; and referring to Section 110.227(5)(a), Florida Statutes to identify the number of days for appeal rights.

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: 110.1055, 110.201(1), 110.233(4)(a), 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS.

LAW IMPLEMENTED: 110.233(4)(a), 110.1221, 110.201, 110.227, 110.403, 110.605 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 20, 2012, 10:00 a.m. – 12:00 Noon

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 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 48 days before the workshop/meeting by contacting: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@dms.myflorida.com\

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-36.002 Political Activities.

(1) Section 110.233(4)(a) of the Florida Statutes, prohibits a career service employee from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, a career service employee may be a candidate for or hold local public office when authorized by the agency head and approved by the Department as involving no interest which conflicts or activity which interferes with his or her state employment. The following procedures shall apply to requests for that authorization and approval.

- (a) through (d) No change.
- (2) through (6) No change.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.233(4)(a) FS. Law Implemented 110.233(4)(a) FS. History–New 1-22-02, Amended 5-16-04,_____.

60L-36.005 Disciplinary Standards.

- (1) through (4) No change.

(5) Agencies shall make known to permanent career service employees the procedures specified in Section 110.227, Florida Statutes. Section 110.227(5)(a), Florida Statutes, establishes procedures for suspension, reduction in pay, demotion, involuntary transfer of more than 50 miles by highway, or dismissal of permanent career service employees. An agency taking such action shall, in addition to furnishing notice of intent to take such action, furnish the employee with written notice of final action. The written notice of final action shall advise the employee of appeal rights under Section 110.227(5)(a), Florida Statutes, under any applicable collective

bargaining agreements, and under any other applicable statutory provisions, such as Parts VI or VIII of Chapter 112, Florida Statutes. The ~~fourteen-day~~ deadline for appeal established in Section 110.227(5)(a), Florida Statutes, shall be measured from the date the employee receives the written notice of final action.

Rulemaking Specific Authority 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS. Law Implemented 110.1221, 110.201, 110.227, 110.403, 110.605 FS. History–New 1-22-02, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Division Director of Human Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2011

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.006
 RULE TITLE: Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language pertaining to facial specialty training with the intent of placing the language in a separate rule for clarification.

SUMMARY: The rule amendment will remove language pertaining to facial specialty training with the intent of placing the language in a separate rule for clarification.

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: 477.016, 477.019(2) FS.
 LAW IMPLEMENTED: 477.019(2), 477.0201, 477.023(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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.006 Facials (Including Skin Care and Hair Removal).

(1) through (6) No change.

~~(7) The curriculum shall also include the performance of the following specified services as indicated as well as the estimated total number of hours needed to complete the required number of services:~~

TYPE OF SERVICE	NUMBER OF SERVICES	HOURS REQUIRED
(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types including normal, oily, dry, combination, problem, and mature	40	40
(b) Set up, use and maintenance of electrical devices	5	1.25
(c) Hair removal, including tweezing, waxing, threading, and sugaring	20	5
(d) Makeup application for both day time and nighttime looks	10	5
(e) Lash and brow tinting	10	5
(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes	10	10
(g) Manual Extractions	5	1.25

Rulemaking Authority 477.016, ~~477.019(2)~~ FS. Law Implemented ~~477.019(2), 477.0201, 477.023(2)~~ FS. History—New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended 7-13-09 (8), 1-2-10 (6), _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.017
 RULE TITLE: Minimum Curriculum for Facial Specialty Training

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to place language clarifying requirements for facial specialty training.

SUMMARY: The new rule will place language clarifying requirements for facial specialty training.

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: 477.016, 477.019(2) FS.
 LAW IMPLEMENTED: 477.019(2), 477.020 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.017 Minimum Curriculum for Facial Specialty Training

(1) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S. shall include the following hours of instruction in the indicated theory items:

<u>(a) Florida Laws and Rules</u>	<u>5</u>
<u>(b) HIV and AIDS</u>	<u>4</u>
<u>(c) Sanitation</u>	<u>10</u>
<u>(d) Ethics</u>	<u>2</u>
<u>(e) Basics of Electricity</u>	<u>8</u>
<u>(f) Facial Techniques and Contraindications</u>	<u>66</u>
<u>(g) Product Chemistry</u>	<u>8</u>
<u>(h) Hair Removal</u>	<u>2.5</u>
<u>(i) Makeup</u>	<u>2</u>
<u>(j) Skin Theory, Disease and Disorders of the Skin</u>	<u>85</u>

(2) The curriculum shall also include the performance of the following specified services, as indicated, as well as the estimated total number of hours needed to complete the required number of services:

<u>TOPIC</u>	<u>HOURS</u>
<u>(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types, including normal, oily, dry, combination, problem and mature</u>	<u>40</u>
<u>(b) Set up, use, and maintenance of electrical devices</u>	<u>5</u>
<u>(c) Hair removal, including tweezing, waxing, threading, and sugaring</u>	<u>20</u>
<u>(d) Makeup application for both daytime and nighttime looks</u>	<u>10</u>
<u>(e) Lash and brow tinting</u>	<u>10</u>
<u>(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes</u>	<u>10</u>
<u>(g) Manual extractions</u>	<u>5</u>

(3) Definition of Services: Services shall be a facial client, a client consultation/skin analysis; exfoliation, either manual, mechanical, or chemical; cleansing, toning; manipulations; and packs, masks, or other treatments as needed.

Rulemaking Authority 477.016, 477.019(2) FS. Law Implemented 477.020, 477.019(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-10.002

RULE TITLE: Designation of Official Reporter

PURPOSE AND EFFECT: The Board proposes the rule repeal because the choosing of an official reporter is not proper for rule and therefore unnecessary.

SUMMARY: The rule repeal is necessary because the choosing of an official reporter is not proper for rule and therefore unnecessary.

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: 120.53(1) FS.

LAW IMPLEMENTED: 119.01, 119.07, 120.53(1), (2)(a), (b), (c), (4), 286.011, 310.051 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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-10.002 Designation of Official Reporter.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 119.01, 119.07, 120.53(1), (2)(a), (b), (c), (4), 286.011, 310.051 FS. History--New 1-19-77, Amended 12-7-78, 12-11-79, 1-28-80, 3-2-81, Formerly 21SS-1.07, Amended 10-21-97, Formerly 21SS-1.007, 21SS-10.002, Amended 10-5-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilots Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-15.002 RULE TITLE: Marine Incident Report Form

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule is a substantial re-statement of Chapter 310, Florida Statutes.

SUMMARY: The rule repeal is necessary because the rule is a substantial re-statement of Chapter 310, Florida Statutes.

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: 120.53(1), 310.185 FS.

LAW IMPLEMENTED: 120.53(1), 310.111 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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.002 Marine Incident Report Form.

Rulemaking Specific Authority 120.53(1), 310.185 FS. Law Implemented 120.53(1), 310.111 FS. History--New 10-4-77, Amended 12-7-78, Formerly 21SS-8.05, Amended 5-31-87, 8-20-89, 12-24-89, Formerly 21SS-8.005, 21SS-15.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilots Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.705 RULE TITLE: St. Lucie Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliform in the St. Lucie Basin.

SUMMARY: These TMDLs address fecal coliform impairments in the St. Lucie Basin. Specifically, the TMDL rules being proposed for adoption are for the St. Lucie River (North Fork) and Tenmile Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop these TMDLs was the percent reduction method. This rulemaking has been given an OGC case number 11-0654.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.705 St. Lucie Basin TMDLs.

(1) through (9) No change.

(10) St. Lucie River (North Fork). The TMDL for the St. Lucie River (North Fork) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) Tenmile Creek. The TMDL for the Tenmile Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 81 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 81 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 3-26-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.710
RULE TITLE: Loxahatchee Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for fecal coliform in the Loxahatchee Basin.

SUMMARY: This TMDL addresses fecal coliform impairment in the Loxahatchee Basin. Specifically, the TMDL rule being proposed for adoption is for the Southwest Fork Loxahatchee. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C., The methodology used to develop this TMDL was the percent reduction method. This rulemaking has been given an OGC case number 11-0655.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.710 Loxahatchee Basin TMDLs.

(1) Southwest Fork Loxahatchee. The TMDL for the Southwest Fork Loxahatchee is 43 counts/100mL for fecal coliform, and is allocated as follows:

(2) The wasteload allocation (WLA) for the Loxahatchee Environmental Control District (Permit # FL0034649) is its National Pollutant Discharge Elimination System (NPDES) permit conditions.

(3) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 91 percent reduction of sources contributing to exceedances of the criteria.

(4) The load allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 91 percent reduction of sources contributing to exceedances of the criteria, and

(5) The Margin of Safety is implicit.

(6) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.715
RULE TITLE: Lake Worth Lagoon Basin TMDLs
PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for fecal coliforms in the Lake Worth Lagoon Basin.

SUMMARY: This TMDL addresses fecal coliform impairment in the Lake Worth Lagoon Basin. Specifically, the TMDL rule being proposed for adoption is for the E-1 Canal. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C. The methodology used to develop this TMDL was the percent reduction method. This rulemaking has been given an OGC case number 11-0656.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result

of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.715 Lake Worth Lagoon Basin TMDLs.

(1) E-1 Canal. The TMDL for E-1 Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(2) The wasteload allocation (WLA) for wastewater sources is not applicable.

(3) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentration meets the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2008 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(4) The load allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentration meets the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2008 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(5) The Margin of Safety is implicit.

(6) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.725
RULE TITLE: Southeast Coast Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliform impaired waters in the Southeast Coast Basin.

SUMMARY: These TMDLs address fecal coliform impairments in the Southeast Coast Basin. Specifically, the TMDL rules being proposed for adoption are for the C-14 (Cypress Creek Canal), the C-13 West (Middle River Canal), the C-13 East (Middle River Canal), the C-12, the New River (North Fork), the New River Canal (South), the North New River, the Dania Cut-off Canal, the South New River Canal (C-11), the C-11 East, the Las Olas Isles Finger Canal System, the C-8 (Biscayne) Canal, the C-7 (Little River) Canal, the C-6 (Miami River), the C-6 (Miami River) Lower Segment, and the C-6 (Miami) Canal. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C. The methodology used to develop these TMDLs was the percent reduction method. This rulemaking has been given an OGC case number 11-0657.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.725 Southeast Coast Basin TMDLs.

(1) Wagner Creek Fecal Coliform TMDL. The fecal coliform Total Maximum Daily Load for Wagner Creek is 400 counts/100 mL, and is allocated as follows:

(a) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria,

(b) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

~~(d)~~ While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of these TMDLs to abate natural background conditions.

(2) C-14 (Cypress Creek Canal). The TMDL for C-14 (Cypress Creek Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) C-13 West (Middle River Canal). The TMDL for the C-13 West (Middle River Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(4) C-13 East (Middle River Canal). The TMDL for the C-13 East (Middle River Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) C-12. The TMDL for the C-12 is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2003 and 2010 period, will require a 52 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 52 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(6) New River (North Fork). The TMDL for the New River (North Fork) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) New River Canal (South). The TMDL for the New River Canal (South) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(8) North New River. The TMDL for the North New River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(9) Dania Cut-off Canal. The TMDL for the Dania Cut-off Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 78 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2003 and 2010 period, will require a 78 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(10) South New River Canal (C-11). The TMDL for the South New River Canal (C-11) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) C-11 East. The TMDL for the C-11 East is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 93 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 93 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(12) Las Olas Isles Finger Canal System. The TMDL for the Las Olas Isles Finger Canal System is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(13) C-8 (Biscayne) Canal. The TMDL for the C-8 (Biscayne) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from

both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) C-7 (Little River) Canal. The TMDL for the C-7 (Little River) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(15) C-6 (Miami River). The TMDL for the C-6 (Miami River) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(16) C-6 (Miami River) Lower Segment. The TMDL for the C-6 (Miami River) Lower Segment is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable. (b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 80 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 80 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) C-6 (Miami) Canal. The TMDL for the C-6 (Miami) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 5-1-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-2.002 RULE TITLE: Information Required Upon Renewal

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: Rule 64B-2.002, F.A.C., was identified during the comprehensive rule review as containing requirements that duplicate statutory language, 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, 456.044 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 458.319, 459.008, 460.407, 461.007 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: Lola Pouncey, Chief, Bureau of Operations, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #BCO-01, Tallahassee, Florida 32399-3260, Telephone: (850)245-4064

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-2.002 Information Required Upon Renewal.

Rulemaking Specific Authority 456.004, 456.044 FS. Law Implemented 456.039, 456.0391, 458.319, 459.008, 460.407, 461.007 FS. History--New 9-2-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey, Bureau Chief

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

Division of Medical Quality Assurance

RULE NO.: 64B-4.003 RULE TITLE: Office Surgery Registration Requirements, Fees

PURPOSE AND EFFECT: This amendment is to update the forms incorporated by reference in the rule and to make the electronic versions of the forms more user friendly.

SUMMARY: This rule amendment adopts the revised forms for office surgery registration.

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 amendment 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: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 456.0635, 458.309(3), 459.005(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: LaShonda Cloud, Regulatory Specialist, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, (850)245-4131

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.003 Office Surgery Registration Requirements, Fees.

(1) Registration Requirements.

(a) Every office performing surgery as defined in Sections 458.309(3) and 459.005(2), F.S., must register and maintain a valid registration with the Department of Health. To register, an office must submit Form #DH-MQA 1031, Office Surgery Registration Application for medical physicians or Form #DH-MQA 1071, Office Surgery Registration Application for osteopathic physicians to the Department. Form #DH-MQA 1031, revised August 2011 effective January 2010 and Form #DH-MQA 1071, revised August 2011 effective January 2010, are adopted and incorporated by reference, and can be obtained at and from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399 or at http://www.doh.state.fl.us/mqa/medical/osr_home.html or http://www.doh.state.fl.us/mqa/osteopath/osr_home.html.

(b) No change.

(2) No change.

Rulemaking Authority 456.004, 458.309(3), 459.005(2) FS. Law Implemented 456.0635, 458.309(3), 459.005(2) FS. History—New 7-12-04, Amended 5-16-06, 5-12-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joy Tootle

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D. Ph.D, FACP
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
RULE TITLE: Minimum Requirements for Board Approved Massage Schools

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish a standard for success on the approved national examinations in order to assist Florida citizens in achieving licensure after substantial expenditure in completing the required education.

SUMMARY: This rule amendment will establish a standard for success on the approved national examinations in order to assist Florida citizens in achieving licensure after substantial expenditure in completing the required education.

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: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.003 Minimum Requirements for Board Approved Massage Schools.

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) through (b) No change.

(c) An approved program must achieve a graduate passage rate that is not lower than 10 percentage points less than the average passage rate for graduates of comparable degree programs who are first-time test takers on the Board approved exam during a calendar year, as calculated by the contract testing service of the Board approved exam vendor.

(d)(e) Apply directly to the Board of Massage Therapy and provide the following information:

- 1. Sample transcript and diploma; and
- 2. Copy of curriculum, catalog or other course descriptions;

~~3. Faculty credentials; and~~

~~4. Proof of licensure by the Department of Education.~~

(2) No change.

(3) Board of Massage Therapy approval shall be withdrawn or other action taken if the massage school, which it regulates under Chapter 480, F.S., and this rule:

(a) through (d) No change;

(4) A Board of Massage Therapy-approved school must notify the Board of Massage Therapy within 90 days of:

(a) Changes in curriculum; and

~~(b) Changes in faculty or staff, including submission of the credentials of new faculty; and~~

~~(b)(e)~~ Changes in address.

(5) No change.

(6) If a massage school is alleged to have violated any provision of Chapter 480, F.S., Rule Chapter 64B7, F.A.C., or part therein:

(a) The Board shall inform the school of any alleged violations in writing;

(b) Beginning with graduate passage rates for calendar year 2013:

1. If an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board may place the program on probationary status pursuant to Chapter 120, F.S., and may require the program director to appear before the board to present a plan for remediation. If the program is placed on probationary status the program shall remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year.

2. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its regularly scheduled meeting following release of the program's graduate passage rate by the Board approved testing vendor, shall remove the program's probationary status. However, if the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board shall terminate the program pursuant to Chapter 120, F.A.C.

(c) The school shall respond in writing and/or request to appear before the Board at the next scheduled meeting to explain any mitigating factors;

(d) If the Board determines that a school is in noncompliance, it may impose one of the following:

1. Corrective action required which shall include the time period in which the school must comply; or

2. Withdrawal of Board approval.

(e) The Board shall inform the Florida Department of Education or if an out of state school, the equivalent licensing authority, of the action taken.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, 10-30-07, 4-25-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-25.130
RULE TITLE: Executive Director

PURPOSE AND EFFECT: The Board proposes to repeal the rule because it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

SUMMARY: The rule will be repealed due to the fact that it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

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: 465.005 FS.

LAW IMPLEMENTED: 48.111(2), 456.004, 456.009 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 RULE IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.130 Executive Director.

Rulemaking Specific Authority 465.005 FS. Law Implemented 48.111(2), 456.004, 456.009 FS. History--New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, 11-2-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Pharmacy

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-29.003
 RULE TITLE: Drug Requirement

PURPOSE AND EFFECT: The Board proposes to repeal the rule because it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

SUMMARY: The rule will be repealed due to the fact that it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

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: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.003 Drug Requirement.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History--New 10-17-79, Formerly 21S-14.03, Amended 4-24-88, Formerly 21S-14.003, 21S-29.003, 61F10-29.003, 59X-29.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Pharmacy

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines, minor violations and citations.

SUMMARY: The guidelines, minor violations and citations will be updated.

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: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees ~~practitioners~~ guilty of violating Chapter 465,

F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465, F.S. The term license means any permit, registration, certificate, or license, including a provisional license, issued by the Department. The minimum penalty range is based upon a first time single count violation of each provision listed. The maximum penalty range is based upon multiple or repeated violations of the same provision of Chapter 465, F.S., or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Obtaining a license by misrepresentation fraud or error (Section 465.016(1)(a), F.S.) (Section 465.023(1)(a), F.S.)	<u>Revocation</u>	Revocation
(b) Procuring a license through false representation (Section 465.016(1)(b), F.S.) (Section 465.023(1)(b), F.S.)	<u>Revocation</u>	Revocation
(c) Permitting unlicensed persons to practice pharmacy (Section 465.016(1)(c), F.S.)	<u>\$2,500 fine and 12 hours Laws & Rules course or Multistate Pharmacy Jurisprudence Exam (MPJE)</u>	<u>Revocation \$5,000 and one (1) year suspension</u>
(d) Being unfit or incompetent to practice pharmacy (Section 465.016(1)(d), (m), F.S.)	<u>\$250 fine, indefinite suspension with PRN review and board appearance</u>	Revocation or, at the licensee's discretion, voluntarily relinquishment with reinstatement under the terms and conditions approved by the board
(e) Violating laws governing the practice of pharmacy (Section 465.016(1)(e), F.S.) (Section 465.023(1)(c), F.S.) 1. Chapter 465, F.S.:		
a. Failure to supervise pharmacy technician (Section 465.014, F.S.)	<u>\$250 1,500 fine and one (1) year probation and 12 hour Laws & Rules Course or MPJE</u>	<u>Revocation \$5,000 and one (1) year suspension</u>
b. Operating a pharmacy without a permit (Section 465.015(1)(a), F.S.)	<u>\$500 per month to maximum of \$5,000 (penalty will require permittee to renew permit or cease practice)</u>	<u>Revocation (if no permit exists, refer to State's Attorney)</u>

c. Operating a pharmacy where an unlicensed and unsupervised person practices pharmacy (Section 465.015(1)(b), F.S.)	\$5,000 fine and one (1) year probation	Revocation \$5,000 and one (1) year suspension
d. Making a false or fraudulent statement to the board (Section 465.015(2)(a), F.S.)	\$5,000 fine	Revocation
e. Practicing pharmacy as an inactive licensee (Section 465.015(2)(b), F.S.)	Fine based on length of time in practice while inactive; \$500 \$200/month	Revocation or \$5,000 maximum (penalty will require license to renew license or cease practice)
f. Selling or dispensing drugs without a prescription (Section 465.015(2)(c), F.S.)		
(i) Non-scheduled legend drugs	\$1,500 fine	Revocation \$5,000 and one (1) year suspension
(ii) Scheduled (controlled substances) legend drugs	\$5,000 fine and one (1) year probation	Revocation
g. Selling samples or complimentary drugs (Section 465.015(2)(d), F.S.)		Same as violation of 465.015 (2)(e) F.S. (see sub subparagraph 64B16-30.001, F.A.C. (2)(e)1.f., F.A.C., above)
<u>(i) Non-scheduled legend drugs</u>	<u>\$1,500 fine</u>	<u>Revocation</u>
<u>(ii) Scheduled (controlled Substances) legend drugs</u>	<u>\$5,000 fine and one (1) year probation</u>	<u>Revocation</u>
h. Failure to notify the board of or not to have a prescription department manager or consultant pharmacist <u>Sections 465.018, .019, .0193, .0196, or .0197, F.S.</u> (Section 465.022(4), F.S.)		
(i) Failure to notify Section 465.018, F.S.	Fine based on length of time prior to notifying board. \$500 \$200 per month	\$7,500 \$5,000 maximum (penalty requires notification or ceasing practice)
(ii) Failure to have prescription department manager or consultant pharmacist <u>of record</u>	<u>Fine based on length of time prior to notifying board, \$750 per month and one (1) year probation</u> \$2,500 fine and one (1) year probation	Revocation of permit
i. Failure to comply with required substitution of legend drug requirements (Section 465.025, F.S.)	\$500 fine and 12 hour Laws & Rules Course or MPJE, \$1,000 fine	\$2,500 fine
j. Failure to follow negative formulary requirements (Section 465.025(6), F.S.) 64B16-27.500, F.A.C.	\$1000 fine and 12 hours Laws & Rules Course or MPJE Reprimand	\$2,500 fine and one (1) year probation
k. Failure to follow emergency prescription requirements (Section 465.0275, F.S.)	\$500 fine	\$1,000 fine and one (1) year probation
l. Engage in prohibited rebate scheme (Section 465.185, F.S.)	\$1,500 fine	Revocation \$5,000 fine and one (1) year probation
m. Failure to comply with pharmacist dispensing requirements (Section 465.186, F.S.)		
(i) Failure to follow procedure, but dispense drug appearing on formulary (Section 465.186(3), F.S.) 64B16-27.210, F.A.C.	<u>\$500 fine</u> Reprimand	\$1,000 fine, one (1) year probation and suspension of right to dispense

(ii) Dispensing drug not on the formulary (Section 465.186(2), F.S.) 64B16-27.220, F.A.C. 64B16-27.230, F.A.C.	\$1,500 fine	Revocation Same as violation of 465.015(2)(e), F.S. (see sub-subparagraph 64B16-30.001(2)(e)1.f., F.A.C., above)
<u>n. Committing error or omission in performance of a specific function of prescription drug processing</u> (Section 465.016(1)(t), F.S.)	\$250	<u>Revocation</u>
2. Chapter 499, F.S. a. Adulteration of a drug (Section 499.005(2), (3), F.S.) (Section 499.006, F.S.) b. Misbranding a drug (Section 499.005(2), (3), F.S.) (Section 499.007, F.S.)	\$1,000 fine \$2,000 fine and one (1) year probation	Revocation
(i) Incomplete or inaccurate labeling (Section 499.007, F.S.) 64B16-28.108, F.A.C.	\$250 \$1,000 fine and 12 hour Laws & Rules Course or MPJE	\$2,500 fine and one (1) year probation
(ii) Fraudulent misbranding of legend drugs (499.007, F.S.)	\$2,500 fine and One (1) year suspension	Revocation
<u>c. Prescriptions Drug Pedigree</u>	\$500 fine and 12 hour Laws & Rules Course or MPJE	<u>Revocation</u>
<u>d. Recordkeeping requirement</u>	\$500 fine and 12 hour Laws & Rules Course or MPJE	<u>Revocation</u>
<u>e. Storage of drugs</u>	\$500 fine and 12 hour Laws & Course or MPJE	<u>Revocation</u>
3. Chapter 893, F.S. (Controlled substances)		
<u>a. Filling a prescription for controlled substances that does not meet the requirements of Chapter 893, F.S.</u>	\$1,500	\$5,000 fine and one (1) probation
a. Filling a prescription not appropriately signed (Section 893.04(1)(b), F.S.)	\$1,500 fine	\$5,000 fine and one (1) year suspension
b. Filling an improper prescription (other 64B16-30.001(2)(e)3., F.A.C. 64B16-30.001(2)(e)3., F.A.C. above) (893.04(1)(b), (c), F.S.)		
b.e. Failing to retain prescription records for two (2) years (Section 893.04(1)(d), F.S.)	\$1,000 fine	<u>Revocation</u> \$2,500 fine and one (1) year probation
c.d. Failing to appropriately label (Section 893.04(1)(e), F.S.)	\$250 500 fine and 12 hour Laws & Rules course or MPJE	\$2,500 \$1,000 fine and one (1) year probation
d.e. Dispensing a Schedule II drug inappropriately with a non-written prescription (Section 893.04(1)(f), F.S.)	\$5,000 \$2,500 fine and one (1) year probation	<u>Revocation</u> \$5,000 fine and one (1) year probation (for dispensing without a prescription see sub-subparagraph 64B16-30.001, F.A.C. (2)(e)1.f., F.A.C., above)
e.f. Inappropriate refilling of Schedule III, IV, or V drugs (Section 893.04(1)(g), F.S.)	\$1,750 fine and one (1) year probation	One (1) year suspension
f.g. Receiving controlled substances without an appropriate order form (Section 893.06(1), F.S.)	\$2,500 \$1,500 fine	<u>Revocation</u> \$5,000 fine and one (1) year probation
g.h. Unlawful possession of controlled substances (893.06(2), F.S.)	\$2,500 fine and one (1) year probation	Revocation
h.i. Failure to take a biennial inventory (893.07(1)(a), (2), (3), (4), (5), F.S.)	\$1000 fine	\$2,500 fine and one (1) year probation
i.j. Failure to maintain a complete and accurate record of controlled substances (893.07(1)(b), (2), (3), (4), (5), F.S.)	\$1,000 fine and one (1) year probation	Revocation
j.k. Dispensing controlled substances in other than good faith (Section 893.08(3)(b), F.S.)	\$5,000 \$2,500 fine and one (1) year probation	Revocation

k.f. Inappropriate selling of Schedule V controlled substance (Section 893.08(3)(c), F.S.)	\$1,500 fine and one (1) year probation	One (1) year suspension
l.m. Unlawful possession of controlled substance (Section 893.13, F.S.)	\$5,000 \$2,500 fine and two (2) <u>one (1)</u> years probation	Revocation
4. Violation of Federal Drug Abuse Act 21 U. S. C. 821 et seq.	\$500 \$1,000 fine and one (1) year probation	Revocation \$5,000 fine and one (1) year suspension
(f) Criminal conviction related to pharmacy (Section 465.016(1)(f), F.S.)	Misdemeanor: \$1,000 fine	\$5,000 fine, one(1) year suspension and two (2) years probation
(Section 465.023(1)(d), F.S.)		
<u>(i) Misdemeanor</u>	<u>\$1,000 fine</u>	<u>Revocation</u>
<u>(ii) Felony:</u>	One (1) year suspension, two (2) years probation & \$5,000 fine	Revocation
(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in 465.019(6), F.S., or 465.025, F.S., or compounding, dispensing or distributing legend drugs outside professional practice of pharmacy (465.016(1)(g), F.S.)	\$250 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours \$1,000 fine and one (1) year probation	Revocation
(465.016(1)(i), F.S.)		
(h) Filing a false report or failing to file a report required by law		
1. Knowing violation	\$2,000 fine and one (1) year probation	Revocation
2. Negligent violation	Reprimand	One (1) year probation and \$1,000 fine
(i) Failure to make prescription price information available (Section 465.016(1)(k), F.S.)	\$250 fine and 12 hour Laws & Rules Course or MPJE Letter of guidance	\$1,000 fine and one (1) year probation
(j) Improperly placing returned drugs into the stock of a pharmacy (Section 465.016(1)(l), F.S.)	\$1,500 fine	\$3,000 fine and one (1) year probation
(k) Violating a rule or order of the board or Department (Section 465.016(1)(n), F.S.)		
1. Rules of Board of Pharmacy		
a. 64B16-28.101 to 64B16-28.103	500 \$1,000 fine and <u>12 hour Laws & Rules or MPJE</u>	One (1) year probation and \$2,000 fine
64B16-28.104		
64B16-27.100		
64B16-28.106		
64B16-28.107		
64B16-28.109		
64B16-27.103		
64B16-28.111		
64B16-27.104		
64B16-26.400		
64B16-26.203		
64B16-28.108		
64B16-28.104		
64B16-26.301		
64B16-28.114		
64B16-27.105		
<u>64B16-27.211</u>		
<u>64B16-28.113</u>		
<u>64B16-28.2021</u>		
<u>64B16-28.603</u>		
All other rules		
b. 64B16-28.102-105 (sanitation)	Suspension until compliance	Revocation

c. 64B16-27.101(counterfeit drugs)	<u>\$1,000 fine for dispensing</u>	<u>Revocation</u> Same as penalty for adulterated drugs (see subparagraph 64B16-30.001(2)(e)2., F.A.C.)
d. 64B16-28.110 (outdated pharmaceuticals)	<u>\$500 fine for possession \$1,000 fine for dispensing</u>	<u>Revocation</u> One (1) year probation and \$2,000 fine (if drugs dispensed, one (1) year suspension)
e. <u>64B16-28.301, 64B16-28.303 (destruction of controlled substances)</u> 64B16-28.112 (violations)	<u>\$500 fine and 12 hour laws and rules or MPJE</u>	<u>Revocation</u> Same as underlying statutory or rule violation
f. 64B16-26.300 (Serving as consultant pharmacist without being licensed as a consultant pharmacist)	<u>\$500 per month up to a \$5,000 fine maximum (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist</u>	<u>Revocation</u> One (1) year suspension of pharmacist license
g. 64B16-28.140 and 64B16-28.150 (Data processing systems)	<u>\$1,000 fine</u>	<u>Revocation</u> \$5,000 fine and two (2) years probation
h. 64B16-28.120 (Location of legend drugs)	<u>\$1,000 fine</u>	<u>Revocation</u> \$5,000 fine and two (2) years probation
i. <u>Tendering a check payable to the Board of Pharmacy or to the Department of Health that is dishonored by the institution upon which it is drawn</u> 64B16-28.900, 64B16-28.901, 64B16-28.902 (Nuclear pharmacy)	<u>\$500 and 12 hours Laws and Rules or MJPE</u>	<u>\$1000 fine plus payment of the check within 30 days</u>
j. (i) Practicing nuclear pharmacy without being licensed as a nuclear pharmacist pharmacy (Section <u>64B16-26.303</u> 28.903 , F.A.C.)	<u>\$500 per month up to \$5000 fine (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist) \$1,000 fine and one (1) year probation</u>	<u>Revocation of pharmacist's license or permit</u>
k. (ii) Failure to follow technical requirements (64B16-28.901 and 64B16-28.902, F.A.C.)	<u>One (1) year probation and \$1,000 fine</u>	<u>Revocation of license of practice nuclear pharmacy</u>
l. 64B16-28.202 and 64B16-28.203 (transfer of prescription files and drugs)	<u>\$1,500</u>	<u>Revocation of permit</u>
m. <u>Failure to complete the required continuing education during the biennial licensure period.</u>		
1. <u>Failure to complete less than ten (10) hours</u>	<u>\$500</u>	<u>\$1,500</u>
2. <u>Failure to complete ten (10) or more hours</u>	<u>\$1,000</u>	<u>\$2,500</u>
<u>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.</u>		
n. <u>Failure to maintain program requirements for certification, training, or continuing education programs or providers.</u>	<u>\$500</u>	<u>Revocation</u>
o. <u>Failure to retain continuing education records</u>	<u>\$250</u>	<u>\$1,500</u>
p. <u>Failure to practice in accordance with established practice standards</u>		
1. <u>Pharmacist</u>	<u>\$500</u>	<u>Revocation</u>
2. <u>Pharmacy Technician</u>	<u>\$250</u>	<u>Revocation</u>
3. <u>Pharmacy Intern</u>	<u>\$250</u>	<u>Revocation</u>
4. <u>Permittee</u>	<u>\$500</u>	<u>Revocation</u>
q. <u>Failure to have current policies and procedures</u>	<u>\$500</u>	<u>Revocation</u>
r. <u>Failure to have or maintain standards for an automated fill system in a community pharmacy</u>	<u>\$500 and 12 hours Laws & Rules MJPE</u>	<u>Revocation</u>
s. <u>Failure to have or maintain standards for an institutional, special, or central fill pharmacy</u>	<u>\$500 and 12 hour Laws & Rules or MJPE</u>	<u>Revocation</u>
t. <u>Failure to maintain standards for animal control shelters.</u>	<u>\$500</u>	<u>Revocation</u>

2. Violation of orders of Board or Department	\$2,500 fine and one (1) year probation	Revocation
(l) License disciplined by another jurisdiction (Section 465.016(1)(h), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(m) Failure to comply with the Board's rule on patient counseling (64B16-27.800, 64B16-27.810, 64B16-27.820)	\$750 fine	\$2,500 fine and one year probation
(n) Violation 465.018 by and through 456.016 and 465.023, F.S.	<u>Penalty as closely as possible to those set forth in the Disciplinary Guidelines</u>	<u>Penalty as closely as possible to those set forth in the Disciplinary Guidelines</u>
(o) Violating 456.072, F.S.		
1. Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.	\$1,500 \$2,500 fine and one (1) year probation	<u>Revocation</u> \$5,000 fine and one (1) year probation
2. Intentionally violating any rule adopted by the Board or the Department, as appropriate.	\$2,500 \$1,500 fine and <u>two (2)</u> one (1) years probation	<u>Revocation</u> \$2,500 fine and one (1) year probation
3. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.	Misdemeanor: \$1,000 fine Felony: \$3,000 fine and one (1) year probation	\$5,000 fine and one (1) year suspension
<u>(i) Misdemeanor</u>	<u>\$1,000 fine</u>	<u>Revocation</u>
<u>(ii) Felony</u>	<u>\$3,000 fine and one (1) year probation</u>	<u>Revocation</u>
4. Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome, <u>or medical errors</u>	\$500 fine	\$1,000 fine
5. Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.	<u>Same penalty as imposed in other jurisdiction or as closely as possible to penalties for similar violation</u>	Same penalty as imposed in other jurisdiction or as closely as possible to penalties for similar violation
6. Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.	\$3,000 fine	<u>Revocation</u> \$5,000 fine and six (6) month suspension
7. Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board	Revocation <u>or denial of license application</u>	
8. Except as provided in Section 456.016, F.S., failing to report to the Department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the Department or the Board.	\$500 fine and one (1) year probation	<u>Revocation</u> \$1,000 fine and two (2) years probation
9. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the Department or the Board	\$2,000 fine	<u>Revocation</u> \$5,000 fine and one (1) year suspension
10. Failing to perform any statutory or legal obligation placed upon the licensee	\$2,000 fine	<u>Revocation</u> \$5,000 fine and one (1) year probation

11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.	\$2,500 \$3,000 fine and two (2) years probation	Revocation \$5,000 fine and one (1) year suspension
12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or a scheme in or related to the practice of a profession.	\$10,000 fine and two (2) years probation	Revocation \$10,000 fine and one (1) year suspension
13. Exercising influence on the patient or client for the purpose of financial gain or the licensee or a third party	\$3,000 fine and two (2) years probation	Revocation \$5,000 fine and one (1) year suspension
14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.	\$2,000 fine and two (2) years probation	Revocation \$5,000 fine and one (1) year suspension
15. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.	\$2,000 fine and two (2) years probation	Revocation \$5,000 fine and one (1) year suspension
16. Violating any provision of this part, the applicable professional practice act, a rule of the Department or the Board, or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department	\$1,000 fine	Revocation \$5,000 fine and two (2) years probation
17. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding	\$2,500 fine and two (2) years probation	Revocation \$5,000 fine and one (1) year suspension
18. Failing to report to the Board in writing within 30 days after the licensee has been convicted or found guilty or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.	\$1,000 fine	Revocation \$2,500 fine and one (1) year probation
19. Testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.	\$1,500 \$2,500 fine <u>PRN evaluation</u> and two (2) years probation <u>or compliance with PRN contract</u>	Revocation \$5,000 fine and one (1) year suspension
20. Being terminated from or failing to successfully complete an impaired practitioners treatment program (Section 456.072(1)(hh), F.S.	Suspension until successful completion or receipt of written confirmation of compliance with ongoing treatment and a fine of up to \$1,000	Revocation
<u>21. Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (456.072(1)(ii), F.S.)</u>	<u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	
<u>22. Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (456.072(1)(jj), F.S.)</u>	<u>From a letter of concern to probation, and a fine of \$500 to \$5,000.</u>	<u>From a reprimand to revocation, and a fine of \$2,500 to \$5,000.</u>
<u>(23) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program. (456.072(1)(kk), F.S.)</u>	<u>From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.</u>	<u>From a reprimand to revocation, and a fine of \$5,000 to \$10,000.</u>
<u>(24) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (456.072(1)(ll), F.S.)</u>	<u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	
(3) No change.		

(4) All fines imposed by the Board shall be paid within a period of ~~ninety (90) thirty (30)~~ days from the date of the final ordered entered by the Board. This time limitation may be modified by the Board for good cause shown in order to prevent undue hardship.

Rulemaking Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History–New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

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

DEPARTMENT OF HEALTH

Certified Master Social Workers

RULE NOS.:	RULE TITLES:
64B25-28.001	Collection and Payment of Fees
64B25-28.003	Examination Fee
64B25-28.005	Re-examination Fee
64B25-28.006	Initial Certification Fee

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 or no longer necessary.

SUMMARY: Rules 64B25-28.001, .003, .005, .006, F.A.C., were identified during the comprehensive rule review as containing language that is duplicative of other rule and statutory language, 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: 456.017, 456.017(2), 491.0145, 491.015 FS.

LAW IMPLEMENTED: 456.017, 456.017(2), 491.0145 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: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #BC-08, Tallahassee, Florida 32399-3299, Telephone: (850)245-4460

THE FULL TEXT OF THE PROPOSED RULES IS:

64B25-28.001 Collection and Payment of Fees.

Rulemaking Specific Authority 491.0145, 491.015 FS. Law Implemented 491.0145 FS. History–New 12-10-90, Formerly 21-28.001, 61-28.001, 59FF-28.001, Repealed _____.

64B25-28.003 Examination Fee.

Rulemaking Specific Authority 491.0145 FS. Law Implemented 491.0145 FS. History–New 12-10-90, Formerly 21-28.003, 61-28.003, 59FF-28.00, Repealed _____.

64B25-28.005 Re-examination Fee.

Rulemaking Specific Authority 491.015, 456.017(2) FS. Law Implemented 491.0145, 456.017(2) FS. History–New 12-10-90, Formerly 21-28.005, 61-28.005, 59FF-28.005, Repealed _____.

64B25-28.006 Initial Certification Fee.

Rulemaking Specific Authority 456.017 FS. Law Implemented 456.017 FS. History–New 12-10-90, Formerly 21-28.006, 61-28.006, 59FF-28.006, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster, 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: January 3, 2012

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.:	RULE TITLE:
64E-18.005	Notifications of Changes

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: Rule 64E-18.005, F.A.C., was identified during the comprehensive rule review as containing requirements that duplicate statutory language, 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: The repeal of these rules 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: 381.0011, 381.0101(4), 381.0101(5) FS.

LAW IMPLEMENTED: 381.0101(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: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, Telephone: (850)245-4444, extension 2454

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-18.005 Notifications of Changes.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(5) FS. History—New 9-21-94, Formerly 10D-123.005, Amended 8-21-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David B. Wolfe, Environmental Health Consultant

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

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.001	Scope of Chapter Rules
64E-28.002	Definitions
64E-28.003	Licensure Requirements for a Tattoo Artist
64E-28.004	Registration Requirements for a Guest Tattoo Artist
64E-28.005	Licensure Requirements for a Tattoo Establishment
64E-28.007	Operational Requirements for a Tattoo Establishment
64E-28.008	Operational Requirements for a Temporary Tattoo Establishment
64E-28.009	Standards of Practice for a Tattoo Artist or Guest Tattoo Artist
64E-28.010	Forms
64E-28.011	Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the requirements for tattoo artists and tattoo establishments as specified in Sections 381.00771-.00791, F.S., which passed during the 2010 Legislative Session.

SUMMARY: This proposed rule chapter will provide the minimum standards relating to the practice of tattooing including definitions; licensure requirements for tattoo artists, guest tattoo artists, and establishments; educational requirements; operational requirements for tattoo establishments; standards of practice for a tattoo artists and guest tattoo artists; forms; and fee schedule.

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.

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: 381.00789 FS.

LAW IMPLEMENTED: 381.00771-381.00791 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: Gina Vallone-Hood, Environmental Manager, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-28.001 Scope of Chapter Rules.

These rules provide minimum standards relating to tattoo artists and tattoo establishments.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00787, 381.00791 FS. History–New _____.

64E-28.002 Definitions.

(1) Alcohol-based hand sanitizer – An antimicrobial skin sanitizer which contains a minimum concentration of at least 60% alcohol.

(2) Aseptic technique – Practices used by a tattoo artist to prevent cross contamination.

(3) Compromised package – A wet, torn, or stained package.

(4) Contaminated – means the presence of disease-causing organisms on inanimate objects or surfaces.

(5) Cross contamination – The act of spreading disease-causing organisms from one surface to another.

(6) Disinfect – The use of a product registered with the United States Environmental Protection Agency (USEPA) as a tuberculocidal disinfectant which results in the reduction in the number of disease-causing organisms on objects or surfaces, thereby rendering them safe for handling and use.

(7) Fixed – Incapable of being moved.

(8) Inactive license – A tattoo establishment or artist license which has not been renewed by October 1.

(9) Minor – An individual who is less than eighteen (18) years of age.

(10) Person – Any individual, partnership, corporation, association, or public body.

(11) Registered business name – The name under which a tattoo establishment operates.

(12) Registered agent for service of process – A person authorized by a tattoo establishment to receive legal notices for the establishment.

(13) Single-use – means products or items that are intended for one-time, one-person use and are disposed of after use on each customer, such as cotton swabs or balls, gauze pads, tissues or paper products, sanitary coverings, razors, instruments that pierce the skin, and protective gloves.

(14) Spore strip – A device used to monitor the sterilization process in a steam autoclave to ensure destruction of *Geobacillus stearothermophilus* spores.

(15) Sterilization – The use of a steam autoclave to destroy all forms of microbial life, including spores.

(16) Tattoo artist – A tattoo artist as defined in Section 381.00771, F.S., including an artist who performs cosmetic tattooing.

(17) Unobstructed access – A situation where an artist can wash their hands and return to the tattooing area without recontaminating their hands by handling an object such as a door knob.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789 FS. History–New _____.

64E-28.003 Licensure Requirements for a Tattoo Artist.

(1) A tattoo artist seeking initial licensure shall:

(a) Submit a completed application for licensure to the department on form DH 4147. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C., and the following documentation is attached:

1. A copy of a government issued photo identification confirming the applicant is at least 18 years of age.

2. Proof of having completed a department approved course on blood-borne pathogens and communicable diseases having achieved a minimum score of 70 percent on the course examination.

(b) Complete a department approved course, as described in subparagraph 2., within six months of the effective date of this chapter.

(2) A tattoo artist's license is valid for one year, October 1 to September 30 of the following year.

(3) A tattoo artist seeking licensure renewal shall:

(a) Annually, submit a completed application for license renewal on Form DH 4147 by October 1.

1. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

2. A license which has not been renewed by October 1 shall be deemed inactive on this day. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after October 1.

(b) Not perform tattooing without an active license.

(4) A tattoo artist license shall not be transferable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00771, 381.00775, 381.00779, 381.00781 FS. History–New _____.

64E-28.004 Registration Requirements for a Guest Tattoo Artist.

(1) A guest tattoo artist seeking registration by the department shall submit a completed application for registration to the department on Form DH 4150 at least fourteen (14) days prior to practicing tattooing in any licensed tattoo establishment or licensed temporary tattoo establishment. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C., and the following documentation is attached:

(a) A copy of a government issued photo identification confirming the applicant is at least 18 years of age.

(b) Proof of an active license, registration, or certification in another jurisdiction.

(c) Proof of having completed a course on blood-borne pathogens and communicable diseases with having achieved a score of at least seventy per cent (70%) on the course examination covering the materials in the course in that jurisdiction, provided the course requirements, as determined by the department, are comparable to or exceed those in Sections 381.00775(2)(b)4. and 5., F.S. and Rule 64E-28.006, F.A.C.

(2) Should the department determine that the education course and examination requirements in another jurisdiction do not meet or exceed those in Section 381.0075(2)(b), F.S. and Rule 64E-28.006, F.A.C., the applicant must submit proof of successful completion of a department approved education course and proof of having achieved a score of at least seventy per cent (70%) on an examination covering the materials in the course.

(3) A guest tattoo artist's license is valid for up to fourteen (14) consecutive days.

(4) A guest tattoo artist shall not perform tattooing without an active guest tattoo artist registration.

(5) A guest tattoo artist registration shall not be transferable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00775 FS. History--New _____.

64E-28.005 Licensure Requirements for a Tattoo Establishment.

(1) Licensure of a permanent tattoo establishment:

(a) Requires a completed application shall be submitted to the county health department on form DH 4151 prior to performing tattooing. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

(b) A license for a tattoo establishment is valid for one year, beginning October 1 and ending September 30.

(c) A license which has not been renewed by October 1 shall be deemed inactive on this day. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after October 1.

(2) Licensure of a temporary tattoo establishment:

(a) Requires a completed application shall be submitted to the county health department on form DH 4151 at least thirty (30) days prior to performing tattooing. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

(b) A license for a temporary tattoo establishment is valid for fourteen (14) consecutive days in conjunction with a convention or similar event.

(3) No tattooing shall be performed at an establishment that does not have an active license.

(4) A tattoo establishment license shall not be transferable from one location or person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00777 FS. History--New _____.

64E-28.007 Operational Requirements for a Tattoo Establishment.

(1) Tattoo establishments shall have walls, a floor, and a ceiling. Floors and walls in the tattooing area and the area where items are cleaned and sterilized shall be constructed of easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(2) There shall not be a direct opening between a tattoo establishment and any building or portion of a building used as living or sleeping quarters. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of separation.

(3) A tattoo establishment shall not be located in an area where food is prepared.

(4) Except for first-aid purposes, eating and drinking are prohibited in areas where tattooing is performed or where instruments and supplies are cleaned and stored.

(5) Water supplies shall comply with the provisions of Chapter 64E-8 or 62-550, F.A.C.

(6) Sewage disposal shall comply with the provisions of Chapter 64E-6 or 62-200, F.A.C.

(7) The establishment shall use effective measures to protect against the entrance, breeding, and presence of vermin, such as insects and rodents. Openings to the outside shall be protected by such means as self-closing doors, closed windows, or screening. If screening is used, it shall not be less than sixteen (16) mesh to the inch.

(8) Animals shall not be allowed in a tattoo establishment, except as provided under Section 413.08, F.S. Aquariums with fish shall be allowed in waiting rooms and non-procedural areas only.

(9) Each tattoo establishment shall have an artificial light source equivalent to at least one hundred (100) foot candles in the tattooing area and in the area where items are cleaned and sterilized.

(10) Restrooms shall be supplied with toilet tissue, a hand sink supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle. Signage shall be posted in the restroom to instruct employees that they must thoroughly wash their hands before returning to work.

(11) A handsink with unobstructed access shall be located within each tattoo area or centrally located within the overall workroom area, so that each tattoo artist has access to the handsink for handwashing.

(a) The handsink shall be supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle.

(b) A restroom handsink may be used as the handsink provided that it is located within the tattoo establishment and it meets the above stated requirements.

(12) At a minimum, contaminated, reusable items shall be cleaned manually in a sink, separate from the handsink(s), or mechanically in an ultrasonic machine prior to sterilization.

(a) If items are manually cleaned in a sink, the sink shall be deep enough to allow complete submersion of the items. Gloves shall be worn when manual cleaning is performed.

(b) If items are cleaned in an ultrasonic machine, the machine shall be used in accordance with the manufacturer's instructions, which shall be available for review by the department at the time of inspection.

(c) After cleaning, items shall be rinsed and allowed to air dry or shall be dried with single-use paper towels prior to packaging for sterilization.

(d) If only individually packaged, pre-sterilized, single-use items are used in the establishment, the cleaning sink and ultrasonic machine requirements do not apply.

(13) A tattoo establishment shall have a steam autoclave for sterilizing instruments.

(a) The autoclave shall be used in accordance with the manufacturer's instructions for packaging, loading, and processing items.

(b) The autoclave shall be maintained to ensure proper operation.

1. The autoclave shall be cleaned at the frequency recommended by the manufacturer and shall be serviced at least once a year or at the frequency recommended by the manufacturer.

2. A copy of the manufacturer's instructions for operating, cleaning, and servicing the autoclave shall be maintained in the tattoo establishment and shall be available for review by the department at the time of an inspection.

(14) When using an autoclave, sterilization shall be verified through:

(a) A chemical indicator strip placed inside one packet in each load to monitor the sterilization procedure. The strip must indicate exposure to steam and the autoclave operating temperature.

(b) Testing with spore strips at a minimum frequency of every 40 hours of operation of the autoclave, but not less than on a quarterly basis.

1. Test results shall be confirmed by an independent laboratory.

2. In the event of positive results, the autoclave shall be immediately taken out of service and all unused items processed in the autoclave since the most recent negative test results shall be considered non-sterile.

3. While the autoclave remains out of service, tattooing may continue provided either another properly functioning autoclave is placed in service in the establishment or all single-use, pre-sterilized instruments are used.

4. When the improperly functioning autoclave has been restored to proper function, which shall be confirmed by follow-up testing, it may be placed back in service.

(15) Each tattoo establishment shall maintain autoclave sterilization records onsite. The records shall, at a minimum, include the following information:

(a) Autoclave log showing cumulative run time, quantity and types of items sterilized on a given date, and the date spore strip testing was conducted.

(b) Spore strip results provided by an independent laboratory.

(16) If only individually packaged, pre-sterilized, single-use items are used, an autoclave shall not be required nor the requirements specified in 12, 13, 14, and 15 of this section.

(17) Packages of sterile items, which are sterilized by the tattoo establishment, shall be labeled with the date of autoclaving. If any package has been compromised, the items shall be re-sterilized.

(a) Individually packaged, pre-sterilized, single-use items shall be sterilized with ethylene gas and shall be labeled with the expiration date by the manufacturer.

(b) If a package containing pre-sterilized, single-use items has been compromised, the contents shall be discarded.

(c) All packages of sterile items shall be stored in a clean, dry, covered container or in a clean, dry cabinet until just prior to use.

(18) Work chairs, tables, stands, cabinets, and counter tops shall have a smooth, non-porous, easily cleanable surface, and shall be cleaned and disinfected after each customer.

(19) If any liquid product is not in its original container, the container into which the product has been placed shall be labeled with the name of the product.

(20) Each tattoo establishment shall maintain the following records:

(a) Customer records, including parental consent;

(b) Autoclave sterilization records and maintenance records;

(c) Documentation identifying the method of sterilization utilized by the manufacturer if the information is not printed on the packaging of the item.

(d) The records stated in (a), (b), and (c) above shall be maintained for two years with those records for the current licensing period maintained onsite in the establishment and available for review by the department at the time of inspection.

(e) Personnel records of each tattoo artist who works in the establishment. The record shall contain the tattoo artist's name, a copy of a government-issued photo identification, and the license number issued by the department. Personnel records shall be maintained for at least 2 years after an artist's employment ends.

(21) A tattoo establishment shall allow the department to conduct, at a minimum, annual inspections for the purpose of assisting the establishment in achieving compliance with Section 381.00771, F.S., and these rules.

(22) Biomedical waste shall be managed in accordance with Section 381.0098, F.S., and Chapter 64E-16, F.A.C. Regular solid waste shall be collected, stored and disposed of in a manner and at a frequency that do not create a sanitary nuisance, as defined in Chapter 386, F.S.

(23) Tattoo establishments not in full compliance with the handsink and cleaning sink requirements on the effective date of this chapter shall have six months from the effective date of this chapter to comply with the requirements.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

64E-28.008 Operational Requirements for a Temporary Tattoo Establishment.

(1) A licensed temporary establishment shall meet the operational requirements set forth in Rule 64E-28.007, F.A.C., with the following exceptions.

(2) A temporary establishment shall have rigid perimeter walls, a rigid floor, and a rigid ceiling. Floors in the tattooing area and the area where items are cleaned and sterilized shall be constructed of easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(3) If any tattoo items are sterilized by an artist prior to a temporary event, spore test results confirmed by an independent laboratory, shall be available for review by the department at the time of inspection.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

64E-28.009 Standards of Practice for a Tattoo Artist or Guest Tattoo Artist.

(1) A tattoo artist shall ensure that a customer record is completed for each customer. The record shall, at a minimum, include the following:

(a) Name of tattoo artist.

(b) Customer's name, age, and birthdate.

(c) Copy of the identification used to verify customer is at least eighteen (18) years of age.

(d) Description and location of tattoo on the customer's body.

(e) Signature of the customer.

(f) Signature of the artist.

(2) Pursuant to Section 381.00787, F.S., a tattoo artist shall not tattoo the body of a minor less than sixteen (16) years of age.

(3) If tattooing a minor who is sixteen (16) or seventeen (17) years of age, a tattoo artist shall obtain the following documents in addition to the requirements of subsection (1):

(a) Copies of a government-issued photo identification for both the minor and for the parent or legal guardian of the minor. If the photo identification for the minor does not show a birth date, a copy of the minor's birth certificate shall be provided.

(b) A signed and notarized consent by the minor's parent or legal guardian on form DH 4146.

(4) Prior to or after performing a tattoo procedure on a customer, a tattoo artist shall provide information on aftercare to the customer, both verbally and in writing.

(5) Prior to setup for a tattoo procedure, a tattoo artist shall:

(a) Ensure that the skin area where a tattoo is to be applied is visibly healthy.

(b) Wash their hands thoroughly using liquid soap, rinse them, and dry them using single-use paper towels.

(6) Prior to performing a tattoo procedure, a tattoo artist shall cleanse the area of the skin where the tattoo will be placed using a clean, single-use paper towel or pad and a solution labeled as an antiseptic. The antiseptic solution shall be used in accordance with the manufacturer's instructions.

(7) If hair is to be removed from the area to be tattooed, either a single-use razor shall be used, or clippers which are capable of being disinfected. If hair removal is done after cleansing, the area shall be re-cleansed as specified in subsection (6) above.

(8) While performing a tattoo procedure, a tattoo artist shall:

(a) Use aseptic techniques, including barrier covers.

(b) Use only sterile needle bars, sterile needle tubes, and single-use, sterile needles.

(c) Wear new, disposable examination gloves, which shall be discarded after the completion of each single tattooing session.

1. Should the gloves become torn, punctured, or otherwise contaminated outside the general scope of tattooing, or should the gloves come in contact with any object or surface other than the customer's skin or items being used in the procedure, the gloves shall be removed and discarded and the tattoo artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

2. In the event a tattoo artist must leave the tattooing area, the gloves shall be removed and discarded. The artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

(d) Discard any sterile, single-use items that become contaminated and replace them with sterile items before resuming the procedure.

(e) Use a stencil that is single-use and clean. The product used to apply the stencil shall be packaged as a single dose or dispensed from a product container as a single customer dose.

(f) Any item used for freehand artistry on the customer shall be single-use and discarded after use unless an antiseptic is applied to the skin after marking the skin.

(g) Use inks, dyes, and pigments which are intended for tattooing.

1. Inks shall be used in accordance with the manufacturer's instructions.

2. Individual portions of inks, dyes, or pigments shall be dispensed into clean single-use cups for each customer.

(9) Any item which an artist adds to a tattoo machine to stabilize the needle shall be either single-use or a reusable item that has been disinfected.

(10) Upon completion of a tattooing procedure, a tattoo artist shall:

(a) Remove any excess ink from the customer's skin with a single-use clean paper towel or pad.

(b) Use a clean glove, single-use paper towel, or single-use pad to apply a moisturizing ointment or lotion that is packaged as a single dose or is dispensed from a product container as a single customer dose.

(c) If needed, cover the tattooed area with a clean nonstick bandage.

(d) Remove and discard any barriers used to cover instruments and equipment and disinfect both the tattoo machine and the work area with a tuberculocidal disinfectant registered with the USEPA.

(e) Remove any reusable instruments from the tattooing area in preparation for cleaning, rinsing, drying, and sterilization.

(f) Discard any unused ink, dye, or pigment.

(g) Thoroughly wash and rinse hands and dry them with clean single-use paper towels.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History--New _____.

64E-28.010 Forms.

(1) DH Form 4147, 03/12, Application for Tattoo Artist License.

(2) DH Form 4150, 03/12, Application for Guest Tattoo Artist Registration.

(3) DH Form 4151, 03/12, Application for Tattoo Establishment License.

(4) DH Form 4146, 03/12, Consent Form for Minor.

(5) DH Form 4154, 03/12, Tattoo Establishment Stop Use Order.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789, 381.00775(3)(a), 381.00777(2), 381.00775(4), 381.00787(2)(d) FS. History--New _____.

64E-28.011 Fee Schedule.

(1) Tattoo Artist License and Renewal \$ 60.00

(2) Guest Tattoo Artist Registration and

Re-registration \$ 35.00

(3) Tattoo Establishment License \$200.00

(4) Temporary Establishment License \$200.00

(5) Reactivation of Tattoo Artist License \$ 25.00

(6) Reactivation of Tattoo Establishment License \$ 75.00

Rulemaking Authority 381.00789 FS. Law Implemented 381.00781 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gina Vallone-Hood, Bureau of Community Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., FACP
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-10.001	Definitions
64F-10.002	Eligibility Criteria
64F-10.003	Eligibility Determination Process
64F-10.004	Fees
64F-10.005	Primary Care Project Services
64F-10.006	Intake and Registration Procedures
64F-10.007	Twenty-four-hour Telephone Access and Evening and Weekend Clinic Services

PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking 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: Rules 64F-10.001, 64F-10.002, 64F-10.003, 64F-10.004, 64F-10.005, 64F-10.006, 64F-10.007, 64F-10.008, 64F-10.009, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer necessary, are antiquated, and, thus, are appropriate for repeal. These are the all the rules in rule chapter 64F-10. 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: The rules do not meet the requirements for legislative ratification established in Section 120.541(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: 154.011(5), 627.6579 FS.

LAW IMPLEMENTED: 154.011 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: Michael Sentman, 4052 Bald Cypress Way, Bin #A-01, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-10.001 Definitions.

Rulemaking Specific Authority 154.011(5), ~~627.6579~~ FS. Law Implemented 154.011, ~~627.6579~~ FS. History--New 3-2-88, Formerly 10D-101.002, Repealed.

64F-10.002 Eligibility Criteria.

Rulemaking Specific Authority 154.011(5) ~~154.011(1)(e)1~~, FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.003, Repealed.

64F-10.003 Eligibility Determination Process.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.004, Repealed.

64F-10.004 Fees.

Rulemaking Specific Authority 154.011(5) ~~154.011(1), (1)(e) 1, 7~~, FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.005, Repealed.

64F-10.005 Primary Care Project Services.

Rulemaking Specific Authority 154.011(5), ~~154.011(1)(b), (e)2, 5, 6, 9, (3), (4), 627.6597~~ FS. Law Implemented 154.011, ~~627.6579~~ FS. History--New 3-2-88, Formerly 10D-101.006, Repealed.

64F-10.006 Intake and Registration Procedures.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.007, Repealed.

64F-10.007 Twenty-four-hour Telephone Access and Evening and Weekend Clinic Services.

Rulemaking Specific Authority 154.011(5) ~~154.011(1)(e), (4)~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.008, Repealed.

64F-10.008 Health Records.

Rulemaking Specific Authority 154.011(2), (5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.009, Repealed.

64F-10.009 Quality Control and Utilization Review.

Rulemaking Specific Authority 154.011(5) ~~(1)(e) 8, 154.011(2)~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sentman

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: January 5, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-15.001	Administration of Statewide Pharmaceutical Contract
64F-15.002	Agency Contact

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal this chapter of out dated pharmacy rules identified as unnecessary during the comprehensive rule review required by Executive Order 11-01.

SUMMARY: Rules 64F-15.001, F.A.C., was identified during the comprehensive rule review, and Rule 64F-15.002, F.A.C., was later identified, as containing unnecessary requirements 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 does not meet the requirements for legislative ratification established in Section 120.541(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: 381.0203 FS.

LAW IMPLEMENTED: 381.0203 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: Brenda Sowell-Smith, Pharmaceutical Program Manager, Statewide Pharmaceutical Services, 116A Hamilton Park Dr., Floor 01, Room 1, Tallahassee, Florida 32304, Telephone: (850)922-9036

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-15.001 Administration of Statewide Pharmaceutical Contract.

Rulemaking Specific Authority 381.0203(4) FS. Law Implemented 381.0203(4) FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.001, Amended 10-3-05, Repealed.

64F-15.002 Agency Contact.

Rulemaking Specific Authority 381.0203 381.0011(4), (13) FS. Law Implemented 381.0203 381.0011(4), (13), Chapter 287 FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.003, Amended 10-3-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brenda Sowell-Smith, Pharmaceutical Program Manager

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: January 3, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-16.005	Fee Exemption
64F-16.008	Limitation of Income Eligibility
64F-16.009	Continuity of Care for Pregnant Women
64F-16.010	County Health Department Responsibilities
64F-16.011	Disenrollment

PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking 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: Rules 64F-16.005, 64F-16.008, 64F-16.009, 64F-16.010, 64F-16.011, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer necessary, are antiquated, and, thus, are 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: The rules do not meet the requirements for legislative ratification established in Section 120.541(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: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 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: Michael Sentman, 4052 Bald Cypress Way, Bin #A-01, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-16.005 Fee Exemption.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Formerly 10D-121.006, Amended 6-17-03, Repealed.

64F-16.008 Limitation of Income Eligibility.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.009, Amended 6-17-03, Repealed _____.

64F-16.009 Continuity of Care of Pregnant Women.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, Formerly 10D-121.010, Repealed _____.

64F-16.010 County Health Department Responsibilities

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, Formerly 10D-121.011, Repealed _____.

64F-16.011 Disenrollment.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, 9-25-95, Formerly 10D-121.012, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sentman
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: January 5, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-20.002 RULE TITLE: Criteria for Distributing Monies
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: Rule 64F-20.002, F.A.C. was identified during the comprehensive rule review as duplicative, unnecessarily burdensome and no longer necessary 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: The rule does not meet the requirements for legislative ratification established in Section 120.541(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: 794.056(2) FS.

LAW IMPLEMENTED: 794.056 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: Jan Davis, 4052 Bald Cypress Way, Bin #A-13 (HSFFM) Tallahassee, Florida 32399-1723, Telephone: (850)245-4485

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-20.002 Criteria for Distributing Monies.

Rulemaking Specific Authority 794.056 (2) FS. Law Implemented 794.055 (3), 794.056 FS. History–New 9-27-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jan Davis
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: January 3, 2012

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.004 RULE TITLE: School District Budget Requirements
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. 41, October 14, 2011 issue of the Florida Administrative Weekly.

In response to comments of the Joint Administrative Procedures Committee, the introductory paragraph and subsection (2) of Rule 6A-1.004, F.A.C., have been changed as shown below:

6A-1.004 School District Budget Requirements.

The Commissioner shall establish procedures so that the District Summary Budget is transmitted to the Department of Education in the manner prescribed in Rule 6A-1.0071, F.A.C.