

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
 RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule development is to review the current passing score requirements for the various Florida Teacher Certification Examinations (FTCE) to determine if changes in passing score requirements are necessary. In addition, the Department will review and revise the current FTCE competencies and skills. The effect will be changes to the FTCE competencies and skills, and potential modification of existing passing score requirements for the affected subject areas.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.59 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0950
 RULE TITLE: Notice Requirements for Opportunity Scholarship Program

PURPOSE AND EFFECT: The purpose of this rule development is to establish provisions necessary to administer the notification requirements of the Opportunity Scholarship Program. Deadlines and reporting requirements for district compliance with parental and Department of Education

notification and actions resulting from failure to comply with notification requirements are established. The effect will be a rule that is consistent with the governing statute.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the school district notification requirements of the Opportunity Scholarship Program.

RULEMAKING AUTHORITY: 1002.38 FS.

LAW IMPLEMENTED: 1002.38 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004
 RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The purpose and effect is to consider modifications to the documentation and standards required of licensed institutions during provisional and beginning annual license to assist the Commission in making determinations of financial soundness.

SUBJECT AREA TO BE ADDRESSED: Financial reporting of licensed postsecondary institutions.

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2) FS.

LAW IMPLEMENTED: 1005.31(2), 1005.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 28, 2012 – upon adjournment of the Commission for Independent Education meeting

PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West

Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-9.001 RULE TITLE: Investment Policy Statement

PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement approved by the Trustees effective February 9, 2012 for the Florida Retirement System Investment Plan.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Florida Retirement System Investment Plan.

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.

LAW IMPLEMENTED: 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, April 2, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., 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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1197; tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-13.001	Role and Responsibilities of the State Board of Administration of Florida
19-13.002	Role and Responsibilities of Division of Retirement Within the Department of Management Services
19-13.003	Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System
19-13.004	Role and Responsibilities of Third Party Contractors

PURPOSE AND EFFECT: Amendments are being made to update the name of the Florida Retirement System (“FRS”) defined contribution plan from the “Public Employee Optional Retirement Program” to the “Florida Retirement System Investment Plan” in accordance with the statutory change to Section 121.4501, Florida Statutes; to indicate that the administration of qualified domestic relations orders for the FRS Investment Plan no longer is handled by the Division of Retirement, but instead, as indicated in proposed amendments to Rule 19-14.004, F.A.C., by the FRS Investment Plan Administrator; to delete information regarding contributions which will be set forth in amendments to Rule Chapter 19-11, F.A.C., and to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: To update information regarding the roles and responsibilities of the various entities providing services to the Florida Retirement System Investment Plan.

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 112.3173, 121.091(5), 121.4501(4), (5), (8), (9), (10), (14), (15), (19), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS.

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STATE BOARD OF ADMINISTRATION

RULE NO.: 19-14.001 RULE TITLE: Policy Statement

PURPOSE AND EFFECT: To adopt the most recent version of the Policy Statement on Support of Certain Non-FRS Defined Contribution Programs, approved by the Trustees on May 11, 2004.

SUBJECT AREA TO BE ADDRESSED: Policy Statement for the Non-Florida Retirement System Defined Contribution Plans.

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.

LAW IMPLEMENTED: 112.215(4), 121.055(6)(f)2., 121.35(6)(c), 215.515 FS.

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WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40A-1.004	Agreements
40A-1.0045	District Funds
40A-1.203	Permit Application Procedure
40A-1.205	Suspension, Revocation and Modification of District Permits
40A-1.206	Temporary Permits
40A-1.209	Emergency Action

PURPOSE AND EFFECT: The purpose of these changes is to clarify existing rule language and add a rule that is required by Statute concerning the District’ handling of District Funds. The majority of these changes will address concerns raised by the Joint Administrative Procedures Committee that the use of terms like “may” could be considered as allowing discretion in implementation of the rules. The overall effect of the proposed rule changes will be to simplify, and clarify existing language and to codify existing procedures, all without adversely affecting how the District accomplishes it’s core Mission.

SUBJECT AREA TO BE ADDRESSED: General and Procedural Rules of the District.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.60, 373.046, 373.083, 373.119, 373.243, 373.244, 373.246, 373.429, 373.439, 373.553 FS.

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

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 72 hours before the workshop/meeting by contacting: Lance Laird, 152 Water Management Drive, Havana, FL 32333. 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: Lance Laird, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333

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WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NO.:	RULE TITLE:
40A-2.101	Content of Application

PURPOSE AND EFFECT: The overall purpose of the proposed rule change is to reduce the regulatory burden for applicants applying for permits for the consumptive use of water. The effect of this rule change will be to reduce the number of copies of the application and supporting data needed to be submitted by the applicant to only one rather than two. This will result in a net savings to the applicant and the District.

SUBJECT AREA TO BE ADDRESSED: Regulation of “Consumptive Uses of Water” projects.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.216, 373.223, 373.229, 373.233, 403.0877 FS.

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

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WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40A-4.011	Policy and Purpose
40A-4.041	Permit Required
40A-4.091	Processing of Permits
40A-4.101	Content of Application
40A-4.142	Headgates, Valves, and Measuring Devices
40A-4.301	Conditions for Issuance of Permits
40A-4.331	Revocation and Modification of Permits
40A-4.481	Remedial and Emergency Measures
40A-4.901	Forms and Instructions

PURPOSE AND EFFECT: The overall purpose of the proposed rule development is to clarify rule language. The majority of the anticipated changes will address concerns expressed by the Joint Administrative Procedures Committee

that the use of the word “may” could be construed as a granting of unbridled discretion to the Governing Board or the Executive Director. The effect of these changes will be to simplify and clarify rule language without adversely affecting the District’s ability to accomplish it’s core mission.

SUBJECT AREA TO BE ADDRESSED: Regulation of “Management and Storage of Surface Waters” projects.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.406, 373.418 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.046, 373.083, 373.116, 373.118, 373.4036, 373.406, 373.409, 373.413, 373.4135, 373.4136, 373.4137, 373.4141, 373.416, 373.417, 373.418, 373.423, 373.426, 373.427, 373.429, 373.436, 373.439 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lance Laird, 152 Water Management Drive, Havana, FL 32333

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WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40A-44.021	Definitions
40A-44.041	Permits Required
40A-44.052	Authorization for Certain Forestry Projects
40A-44.091	Processing of Permits
40A-44.101	Content of Application
40A-44.142	Headgates, Valves, and Measuring Devices
40A-44.321	Duration of Permit
40A-44.341	Revocation of Permits
40A-44.351	Transfer of Permits
40A-44.411	Completion Report
40A-44.451	Emergency Authorization
40A-44.901	Forms

PURPOSE AND EFFECT: The overall purpose of the proposed rule development is to clarify and simplify rule language. The majority of the anticipated changes will address concerns expressed by the Joint Administrative Procedures Committee that the use of the word “may” could be construed as a granting of unbridled discretion to the Governing Board or the Executive Director. The effect of the proposed amendments will be to clarify, simplify, and reduce rule language.

SUBJECT AREA TO BE ADDRESSED: “Regulation of Agricultural and Forestry Surface Water Management Projects.”

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.4136, 373.418, 373.436, 380.06(9), 380.06(9)(b), 403.0877 FS.

LAW IMPLEMENTED: 373.116, 373.117, 373.118, 373.406, 373.406(5), 373.409, 373.413, 373.4141, 373.416, 373.416(2), 373.417, 373.418, 373.419, 373.423, 373.426, 373.429, 373.436, 373.439, 380.06(9), 403.0877(4), 403.927(3) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lance Laird, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-3.0141 Special Restaurant Licenses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to update, add clarity, and omit obsolete references to the current rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is the license and premises requirements for special restaurant licenses.

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.20(1)(a)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Faye Milton, Administrative Assistant II, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1026, (850)717-1101

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-45.0365 Non-Final Orders

PURPOSE AND EFFECT: To articulate the arbitrators’ ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Arbitrators’ ability to issue non-final orders during pending arbitration cases.

RULEMAKING AUTHORITY: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255, 719.1255 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-50.1265 Non-Final Orders

PURPOSE AND EFFECT: To articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapters 718 and 720, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Arbitrators' ability to issue non-final orders during pending arbitration cases.

RULEMAKING AUTHORITY: 718.1255(4)(i), 718.112(2)(j)3., 719.106(1)(f)3. FS.

LAW IMPLEMENTED: 718.1255, 719.1255, 718.112(2)(j), 719.106(1)(f) FS.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-80.1165
 RULE TITLE: Non-Final Orders

PURPOSE AND EFFECT: To articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapters 718 and 720, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Arbitrators' ability to issue non-final orders during pending arbitration cases.

RULEMAKING AUTHORITY: 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9)(c), 720.311(1) FS.

LAW IMPLEMENTED: 720.303(10), 720.306(9) FS.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.009
 RULE TITLE: Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS)

PURPOSE AND EFFECT: The Board proposes the rule amendment to make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUBJECT AREA TO BE ADDRESSED: Continuing education instruction on human immunodeficiency virus and acquired immune deficiency syndrome.

RULEMAKING AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.0091
 RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUBJECT AREA TO BE ADDRESSED: Instruction on human immunodeficiency virus and acquired immune deficiency syndrome for continuing education.

RULEMAKING AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-29.001 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to the rule amendment to clarify the definition of “facial.”

SUBJECT AREA TO BE ADDRESSED: Facial services.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.013, 477.0135, 477.0201 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-770.140	Referenced Guidelines
62-770.160	Applicability
62-770.200	Acronyms and Definitions
62-770.220	Notices
62-770.250	Contamination Reporting
62-770.300	Interim Source Removal
62-770.400	Quality Assurance Requirements
62-770.490	Professional Certifications
62-770.600	Site Assessment

62-770.610	Fate and Transport Model and Statistical Method Requirements
62-770.650	Risk Assessment
62-770.680	No Further Action
62-770.690	Natural Attenuation Monitoring
62-770.700	Active Remediation
62-770.750	Post Active Remediation Monitoring
62-770.800	Time Schedules
62-770.890	Alternative Procedures and Requirements
62-770.900	Forms

PURPOSE AND EFFECT: Chapter 62-770, F.A.C. will be repealed once all of the current Risk-Based Corrective Action (RBCA) rule chapters are merged in to Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C. to include all of the RBCA clean up rules.

SUBJECT AREA TO BE ADDRESSED: The existing petroleum contamination site rehabilitation criteria, process and procedures contained in Chapter 62-770, F.A.C. will be merged in to Chapter 62-780, F.A.C.

If interested in the expansion of Chapter 62-780, F.A.C., to include all the RBCA clean up rules a rule development workshop for Chapter 62-780, F.A.C., will be held Wednesday, March 28, 2012, 9:00 a.m. – 5:00 p.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL, Via Webinar: <https://www2.gotomeeting.com/register/588534306>.

Registration for the Webinar is limited to 125 participants, so please consider sharing access with other participants, if possible.

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: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.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).

RULEMAKING AUTHORITY: 376.303, 376.30702, 376.3071, 403.061, 403.0877 FS.

LAW IMPLEMENTED: 376.30702, 376.3071, 376.30711, 403.0877, 403.021, 403.062 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Conrardy at (850)245-8899 or tom.conrardy@dep.state.fl.us or

an electronic copy of the preliminary draft of the repeal of Chapter 62-770, F.A.C. can be found at <http://www.dep.state.fl.us/waste/default.htm> under the heading "Rulemaking Underway"

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-782.100	Referenced Guidelines
62-782.150	Applicability
62-782.200	Acronyms and Definitions
62-782.220	Notices
62-782.300	Quality Assurance Requirements
62-782.400	Professional Certifications
62-782.450	Combined Document
62-782.500	Interim Source Removal
62-782.600	Site Assessment
62-782.610	Fate and Transport Model and Statistical Method Requirements
62-782.650	Risk Assessment
62-782.680	No Further Action and No Further Action with Controls Criteria
62-782.690	Natural Attenuation With Monitoring Criteria
62-782.700	Active Rendition
62-782.750	Post Active Rendition Monitoring
62-782.790	Time Schedules
62-782.900	Forms

PURPOSE AND EFFECT: Chapter 62-782, F.A.C., Dry cleaning Solvent Cleanup Criteria, will be repealed once all of the current Risk-Based Corrective Action (RBCA) rule chapters are merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C., to include all of the RBCA cleanup rules.

SUBJECT AREA TO BE ADDRESSED: The existing dry cleaning solvent contamination site rehabilitation criteria, process and procedures contained in Chapter 62-782, F.A.C., will be merged into Chapter 62-780, F.A.C.

If interested in the expansion of Chapter 62-780, F.A.C., to include all the RBCA cleanup rules, a rule development workshop for Chapter 62-780, F.A.C., will be held Wednesday, March 28, 2012, 9:00 a.m. – 5:00 p.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL, Via Weaponry: [taps://www2.gotomeeting.com/register/588534306](http://www2.gotomeeting.com/register/588534306)

Registration for the Weaponry is limited to 125 participants, so please consider sharing access with other participants, if possible.

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: Brian Doughier at (850)245-7503 or brian.dougherty@dep.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).

RULEMAKING AUTHORITY: 376.3078(4), 376.30702, 403.7255, 403.061, 376.3078(9) FS.

LAW IMPLEMENTED: 376.3078(4), 376.30702, 403.7255, 403.0877, 376.3078(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Farrell at (850)245-8937 or jennifer.a.farrell@dep.state.fl.us; or an electronic copy of the preliminary draft of the repeal of Chapter 62-782, F.A.C., can be found at <http://www.dep.state.fl.us/waste/default.htm> under the heading "Rulemaking Underway"

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-785.100	Referenced Guidelines
62-785.150	Applicability
62-785.200	Acronyms and Definitions
62-785.220	Notices
62-785.300	Quality Assurance Requirements
62-785.400	Professional Certifications
62-785.450	Combined Document
62-785.500	Interim Source Removal
62-785.600	Site Assessment
62-785.610	Fate and Transport Model and Statistical Method Requirements
62-785.650	Risk Assessment
62-785.680	No Further Action and No Further Action with Controls
62-785.690	Natural Attenuation with Monitoring Criteria
62-785.700	Active Remediation
62-785.750	Post Active Remediation Monitoring
62-785.900	Forms

PURPOSE AND EFFECT: Chapter 62-785, F.A.C., Brownfields Cleanup Criteria, will be repealed once all of the current Risk-Based Corrective Action (RBCA) rule chapters

are merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C., to include all of the RBCA cleanup rules.

SUBJECT AREA TO BE ADDRESSED: The existing Brownfield site rehabilitation criteria, process and procedures contained in Chapter 62-785, F.A.C., will be merged into Chapter 62-780, F.A.C.

If interested in the expansion of Chapter 62-780, F.A.C., to include all the RBCA cleanup rules, a rule development workshop for Chapter 62-780, F.A.C., will be held Wednesday, March 28, 2012, 9:00 a.m. – 5:00 p.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL, Via Webinar: <https://www2.gotomeeting.com/register/588534306>

Registration for the Webinar is limited to 125 participants, so please consider sharing access with other participants, if possible.

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: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.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).

RULEMAKING AUTHORITY: 376.30702, 376.81, 403.7255 FS.

LAW IMPLEMENTED: 376.30702, 376.81, 403.7255, 403.0877 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Walker at (850)245-8934 or kim.walker@dep.state.fl.us or an electronic copy of the preliminary draft of the repeal of Chapter 62-785, F.A.C., can be found at <http://www.dep.state.fl.us/waste/default.htm> under the heading “Rulemaking Underway”

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-4.0011	Documentation Necessary for Licensure Application

PURPOSE AND EFFECT: The Board proposes this rule amendment to update the form revision date and incorporate it by reference.

SUBJECT AREA TO BE ADDRESSED: Documentation Necessary for Licensure Application.

RULEMAKING AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 456.048, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-2.016	Forms

PURPOSE AND EFFECT: The Board proposes this amendment to update the revision date for and incorporate by reference form DH-MQA 1095.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009, 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Pharmacy

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

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

SUBJECT AREA TO BE ADDRESSED: Registered Pharmacy Technician Responsibilities.

RULEMAKING AUTHORITY: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

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

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

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

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

LAW IMPLEMENTED: 288.11621, 288.1162 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Katherine Morrison, Division of Strategic Business Development, Department of Economic Opportunity, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)717-8973. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

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

**Section II
 Proposed Rules**

DEPARTMENT OF CORRECTIONS

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

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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