

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting May 2-3, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Golf Resort & Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. 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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

~~(1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:~~

~~(a) On any Friday or Saturday from June 1 through August 31 of each year.~~

~~(b) On any Saturday or Sunday from September 1 through November 15 of each year.~~

~~(1)(2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through May 31 of the following year.~~

(b) If during the period beginning on November 16 each year and continuing through May 31 of the following year specified in paragraph (a), the Department’s Shellfish Assessment and Enhancement Section, through its regular monitoring of the abundance of oyster resources on Cat Point Bar and East Hole Bar in the bay, through the Standard

Resource Management Protocol (a scale based on scientific sampling that provides a predictive index of the number of oysters available for harvest), establishes that such resources cannot sustain a harvest of 300 bags of oysters per acre, the harvest of oysters for commercial purposes from the bay on Saturday and Sunday of each week for the remainder of the period is prohibited. The Commission shall give notice of such weekend closure in the manner provided in Section 120.81(5), Florida Statutes. The weekend closure shall begin no sooner than one week following such notice.

~~(2)(3)~~ Harvesting oysters for recreational purposes as provided in Rule 68B-27.014, F.A.C., shall be permitted on any day provided the Bay is not closed for public health reasons.

PROPOSED EFFECTIVE DATE: June 1, 2012.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Amended 6-1-99, 9-1-05, 5-18-06, 6-1-12.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09961	Graduation Requirements for Certain Students with Disabilities

#### NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 8, February 24, 2012 Florida Administrative Weekly has been continued from March 27, 2012 to May 22, 2012.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-25.009	Authorization for Services
6A-25.015	Vocational and Other Training Services

**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.

Paragraph (3)(c) of Rule 6A-25.009 is amended to read:

(c) Vehicle Repairs. See Form DVR-001, Vehicle Modification Consumer Acknowledgement, as incorporated by reference in Rule 6A-25.019, F.A.C.

Subsection (2) of Rule 6A-25.015 is amended to read:

(2) Residential Architectural Modifications. See Form DVR-002, Home Modification Consumer Acknowledgement, as incorporated by reference in Rule 6A-25.019, F.A.C.

Form DVR-001, Vehicle Modification Consumer Acknowledgement is amended to read:

Department of Education

Division of Vocational Rehabilitation

Vehicle Modification Consumer Acknowledgment

The Division of Vocational Rehabilitation (“DVR”) provides vehicle modification services to eligible individuals to help meet transportation needs (the “Services”) pursuant to Rule 6A-25.009, F.A.C.

- If DVR determines you are eligible for Services, DVR will select a qualified vendor to perform such Services (the “Vendor”).
- DVR will not provide Services to you unless, and until, you complete, sign, date and return this form to DVR.
- If you are not the sole owner of record of the vehicle that will be modified, each additional record owner must also execute this Acknowledgment form.

Each person executing this form agrees, represents and acknowledges, individually and collectively:

1. If DVR enters into an agreement for Services on my behalf or affecting my vehicle (the “Agreement”), the Agreement shall be between DVR and the Vendor, and only DVR can agree to a change in the terms of that Agreement.

- If I desire additional work done on my vehicle, I will not seek or allow to be done such additional work until the work required under the Agreement is finished (including any and all required inspections, certificates and approvals), unless DVR, ~~in its sole discretion,~~ agrees in writing to such additional work.

Form DVR-002, Home Modification Consumer Acknowledgement is amended to read:

Department of Education

Division of Vocational Rehabilitation

Home Modification Consumer Acknowledgment

The Division of Vocational Rehabilitation (“DVR”) provides Home Modification services pursuant to Rule 6A-25.015, F.A.C. to eligible individuals, consistent with the individual’s plan for employment, to enhance minimal accessibility to their home (the “Home Modification Services”).

- If DVR determines you are eligible for this service, DVR will select a vendor (the “Vendor”) experienced in providing accessibility for persons with disabilities.
- DVR will not provide Home Modifications Services to you unless, and until, you execute and return this form to DVR.
- If you are not the sole owner/tenant, or property manager of record, of the premises seeking to be modified, each additional owner/tenant of record must sign this Acknowledgment Form.

Each person executing this form agrees, represents and acknowledges, individually and collectively:

1. If DVR enters into an agreement to perform Home Modification Services on my behalf, or affecting my premises (the “Agreement”). The Agreement shall be between DVR and the Vendor, only DVR can agree to a change in the terms of that Agreement.

- I am not a party to that Agreement, nor am I permitted to change the terms of the Agreement.
- If I desire any upgrades or additional work done, I will not seek (or allow to be done) such upgrades or additional work required under the Agreement is finished. (This applies to any and all contractors.) The Agreement is considered finished when all required inspections, certificates and approvals have been completed. The only exception to this paragraph is when DVR, ~~in its sole discretion,~~ agrees in writing to such additional work/upgrades.

Form DVR-003A, Florida Department of Education, Division of Vocational Rehabilitation, Referral/Application for Vocational Rehabilitation Services is amended to read:

Florida Department of Education Division of Vocational Rehabilitation

Social Security Number Collection Policy

In compliance with Section 119.071(5), Florida Statutes, this statement serves to notify you of the purpose for the collection and usage of your social security number by the Florida Department of Education, Division of Vocational Rehabilitation (“Division”).

Your social security number is being collected pursuant to Section 413.24, Florida Statutes and RSA-PD-09-01. The information will be used only for reporting requirements to the federal government in order for the Division to receive federal funding. Providing this information is voluntary. However, if you fail to provide your social security number, you will be

~~deemed ineligible for vocational rehabilitation services. The Division is authorized by federal and state law to collect social security numbers in determining individuals' eligibility for vocational rehabilitation services, and such collection is imperative for the performance of the Division's duties.~~

Form DVR-003B, Florida Department of Education, Division of Vocational Rehabilitation, Referral/Application for Vocational Rehabilitation Services, Spanish is amended to read:

Departamento de Educación del Estado de la Florida, División de Rehabilitación Vocacional Política sobre Colección de Número de Seguro Social

~~En conformidad con la Sección 119.071(5) de los Estatutos de la Florida, esta declaración sirve para notificarle del propósito de colección y uso de su número de seguro social por parte del Departamento de Educación de la Florida, División de Rehabilitación Vocacional, aviso sirve para notificarle el motivo por el cual la División de Rehabilitación Vocacional del Departamento de Educación ("División") obtiene y usa números de seguro social.~~

~~Su número de seguro social se está colectado en virtud de la Sección 413.24, de los Estatutos de la Florida, y RSA-PD-09-01. La información será utilizada sólo para requisitos de presentación de informes al gobierno federal, con fin de que la División de recibir fondos federales. Proveer esta información es voluntario; sin embargo, si usted no provee su número de seguro social, usted será considerado no elegible para recibir servicios de rehabilitación vocacional. La División esta autorizada por las leyes estatales y federales a obtener números de seguro social para determinar si usted es elegible para recibir los servicios de rehabilitación vocacional, dicha obtención es imperativa para la realización de sus funciones.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

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

**NOTICE OF CORRECTION**

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

The Agency determined repeal of the rule is not expected to require legislative ratification. Agency review of the impact of this rule repeal determined no SERC is required. This determination was based on the fact that statutory authority does not exist for this rule. A SERC has not been prepared by the Agency.

The Agency proposes to repeal the rule based upon no statutory mandate for its purpose. The Agency rule reduction review determined repealing the rule the will reduce confusion and enhance compliance activity for regulated entities.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.032                      RULE TITLE: Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.052                      RULE TITLE: Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.086  
RULE TITLE: Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.102  
RULE TITLE: Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.112  
 RULE TITLE: Project AIDS Care Waiver  
 Disposable Incontinence Medical  
 Supplies Fee Schedule and  
 Minimum Quality Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.132  
 RULE TITLE: Traumatic Brain and Spinal Cord  
 Injury Waiver Disposable  
 Incontinence Medical Supplies Fee  
 Schedule and Minimum Quality  
 Standards

**NOTICE OF CORRECTION**

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**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:**

A SERC has been prepared by the Agency. Based on information from the SERC, 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. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

To summarize the SERC analysis, home and community based services waiver programs that offer disposable incontinence medical supplies will be impacted by this rule. The rule will impose no direct cost to state and local governments nor will it have any impact to state or local revenues. The Agency does not anticipate any impact on small counties or small cities. There will be no transactional costs for providers, as the billing codes being used are nationally recognized standard codes. Training for waiver support coordinators may be required to use the new billing codes and fees. At the time the SERC was completed, there were 653 disposable incontinence medical supply providers providing services to the waivers. The Agency did not receive any lower cost alternatives.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-3.029  
 RULE TITLE: Public Use Forms

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 9, March 2, 2012 Florida Administrative Weekly has been continued from March 23, 2012 to April 13, 2012.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.001  
 RULE TITLE: Biennial Licensing

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 6, February 10, 2012 issue of the Florida Administrative Weekly.

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

- 64B-9.001 Biennial Licensing.
- (1) through (3) No change.
- (4) The schedule for biennial license renewal for each respective profession shall be as follows:

	EVEN YEARS	ODD YEARS
Acupuncturists	February 28	
Athletic Trainers	September 30	
Certified Master Social Workers		March 31
Certified Nursing Assistants (Group I)		<del>May 31</del> <del>December 31</del>
Certified Nursing Assistants (Group II)	<del>May 31</del> <del>December 31</del>	
Chiropractic Physicians & Assistants	March 31	
Clinical Laboratory Personnel	August 31	
Clinical Social Workers		March 31
Consultant Pharmacists	December 31	
Dental Hygienists	February 28	
Dental Laboratories	February 28	
Dentists	February 28	
Dentists – Health Access	February 28	
Dietitians/Nutritionists		May 31
Dispensing Opticians	December 31	
Electrologists	May 31	
Electrolysis Facilities	May 31	
Hearing Aid Specialists		February 28
Marriage & Family Therapists		March 31
Massage Therapists		August 31
Massage Establishments		August 31
Medical Doctors (Group I)	January 31	
Medical Doctors (Group II)		January 31
Medical Doctors – Public Psychiatry/Health Certificate	January 31	
Medical Doctors – Limited License	January 31	
Medical Doctors – Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas Area of Critical Need	January 31	
Medical Physicists		January 31
Mental Health Counselors		March 31
Midwives		December 31
Naturopathic Physicians	September 30	
Nuclear Pharmacists	February 28	
Nurses		
Group I: Registered & Advanced Registered Nurse Practitioners	April 30	
Group II: Registered & Advanced Registered Nurse Practitioners	July 31	
Group III: Registered & Advanced Registered Nurse Practitioners		April 30
Licensed Practical Nurses		July 31
Nursing Home Administrators	September 30	
Occupational Therapists & Assistants		February 28
Optometrists		February 28
Optometrist Branch Offices		February 28
Orthotists & Prosthetists		November 30
Osteopathic Physicians	March 31	
Osteopathic Physicians – Limited License	March 31	
Osteopathic Physicians – Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need	March 31	
Pharmacies		February 28
Pharmacists		September 30

Pharmacy Technicians	December 31
Physical Therapists & Assistants	November 30
Physician Assistants	January 31
Podiatric Physicians	March 31
Psychologists	May 31
Respiratory Care Practitioners	May 31
Respiratory Therapists	May 31
School Psychologists	November 30
Speech Language Pathologists/Audiologists & Assistants	December 31

**EXTENSION OF BIENNIAL LICENSURE PERIODS –**  
 When a current biennial licensure period for a profession is extended for a period longer than two years to conform to the above schedule of biennial periods, the biennial licensure fee for the profession shall be increased pro-rata to cover the additional extended period. The increased licensure fee shall be based on the biennial licensure fee established by the board. The amended licensure period and the pro-rated renewal fee shall be implemented for the purpose of restructuring the Department’s renewal schedule.

(5) No change.

Rulemaking Authority 456.004(1) FS. Law Implemented 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635, ~~456.077~~ FS. History–New 11-5-00, Amended 11-24-05, 11-8-07, 7-30-08, 7-19-09, 11-8-09, 8-2-10, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.013  
 RULE TITLE: Dental Examination Requirements and Grading.

**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. 39, September 30, 2011 issue of the Florida Administrative Weekly.

(Substantial rewording of Rule 64B5-2.013 follows. See Florida Administrative Code for present text)

64B5-2.013 Florida Dental Examinations.

Each applicant applying for a Florida dental license is required to complete the examinations as provided for in Section 466.006, Florida Statutes. The Florida examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. All three examinations will be conducted in English. Applicants for examination or re-examination must have taken and successfully completed Part I and Part II of the National Board of Dental Examiners dental examination.

(1) Practical or Clinical Examination:

(a) Effective October 1, 2011, the Florida Practical or Clinical Examination and the Diagnostic Skills Examination is currently the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc., or its successor entity if the successor entity is determined by the Board of Dentistry to comply with the

provision of Section 466.006, Florida Statutes. The ADLEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of the practice of dentistry.

(b) The ADLEX shall be administered in the State of Florida and shall be graded by Florida licensed dentists.

(c) All parts of the ADLEX shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

(d) Each part of the ADLEX shall be completed with a grade of at least seventy-five (75%) percent.

(e) Provided the Board of Dentistry maintains representation on the Board of Directors of the American Board of Dental Examiner, Inc., and the Examination Development Committee of the American Board of Dental Examiner, Inc., the practical or clinical examination procedures, standards, and criteria of the ADLEX are approved.

(f) If any portion of the clinical or practical portion of the ADLEX exam was completed in a jurisdiction other than Florida, applicants must comply with the applicable provisions of Section 466.006(4)3., Florida Statutes, Section 466.006(6), Florida Statutes, Rule 64B5-2.0150, Florida Administrative Code and Rule 64B5-2.0152, Florida Administrative Code.

**(2) Written Examination:**

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(b) A final grade of seventy-five (75%) percent or better is required to pass the Written Examination.

Rulemaking Authority 456.017(1)(b), 466.004(4), 466.006(5)(a) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, 8-25-10, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-28.008  
 RULE TITLE: Display of Licenses

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

The change is due to a public hearing held March 13, 2012. (Substantial rewording of Rule 64B7-28.008 follows. See Florida Administrative Code for present text)

64B7-28.008 Display of Licenses.

(1) Each licensed practitioner shall conspicuously display a current license issued by the Department, or photo copy thereof, at each location at which he or she practices.

(a) Effective on August 1, 2012, for each initial license or duplicate license issued the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

(b) Effective on September 1, 2013, the licensee must attach to the displayed license a 2 by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

(2) Each apprentice shall conspicuously display his or her apprentice certificate issued by the Board office, in the establishment for which it has been issued. Effective on August 1, 2012, the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

(3) The owner of each massage establishment shall conspicuously display a current establishment license issued by the Department on the premises.

Rulemaking Specific Authority 480.035(7) FS. Law Implemented 456.072(1)(t), 480.043(1) FS. History—New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended 1-26-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

The change is due to a public hearing held March 13, 2012. (Substantial rewording of Rule 64B7-32.003 follows. See Florida Administrative Code for present text.)

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) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:

<u>Course of Study</u>	<u>Classroom Hours</u>
<u>Anatomy and Physiology</u>	<u>150</u>
<u>Basic Massage Theory and History</u>	<u>100</u>
<u>Clinical Practicum</u>	<u>125</u>
<u>Allied Modalities</u>	<u>76</u>
<u>Business</u>	<u>15</u>
<u>Theory and Practice of Hydrotherapy</u>	<u>15</u>
<u>Florida Laws and Rules</u>	<u>10</u>
<u>(Chapters 456 and 480, F.S. and Chapter 64B7, F.A.C.)</u>	
<u>Professional Ethics</u>	<u>4</u>
<u>HIV/AIDS Education</u>	<u>3</u>
<u>Medical Errors</u>	<u>2</u>

(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) 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;

(2) All faculty members of the massage therapy school must meet the minimum requirements of the Department of Education.

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

(a) Modifies its curriculum to fall below the minimum standards set out in this rule, or fails to require its students to complete the minimum standards in order to graduate;

(b) Submits to the Board of Massage Therapy on behalf of an applicant for licensure documents containing information the school, through its owner, manager, instructors, or other employees or agents, knows to be false;

(c) Violates any standard applicable to the school pursuant to licensure by the Department of Education;

(d) Violates any applicable rule herein.

(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 address.

(5) Any change in ownership of a Board of Massage Therapy approved school must be approved by the Board of Massage Therapy.

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

(a) If an approved program's graduate passage rates do not equal or exceed the required passage rates for two 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 one calendar year.

(b) 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 two calendar years following its placement on probationary status, does not achieve the required passage rate for any one calendar year, the Board shall terminate the program pursuant to Chapter 120, F.S.

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

(a) The Board shall inform the school of any alleged violations in writing. The school shall respond in writing and/or request to appear before the Board at the next scheduled meeting to explain any mitigating factors;

(b) 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.

(c) 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.

**DEPARTMENT OF HEALTH**

**Certified Master Social Workers**

RULE NO.: 64B25-28.006                      RULE TITLE: Initial Certification Fee

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NO.: 65E-12.110  
 RULE TITLE: Integrated Children's Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models

**NOTICE OF PUBLIC HEARING**

The Department of Children and Family Services announces a hearing regarding the above rule, as noticed in Vol. 38, No. 3, January 20, 2012 Florida Administrative Weekly.

DATE AND TIME: April 2, 2012, 10:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 6, Room 335, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rule 65E-12.110, F.A.C., which was noticed in Vol. 38, No. 3, January 20, 2012 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 7 days before the workshop/meeting by contacting: Joe Anson, (850)717-4330. 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).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 11, March 16, 2012 issue of the Florida Administrative Weekly.

65G-2.016 Residential Fee Collection.

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

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

- (a) Agency. As defined in Section 393.063, F.S.
- (b) Benefit Payments. As defined in Section 402.33, F.S.
- (c) Client. As defined in Section 393.063, F.S.,

(d) Gross income. For the purposes of this rule Gross income includes the sum of the client's benefit payments and third party benefits less any deduction authorized in writing by the Social Security Administration or the Agency for Persons with Disabilities. Deductions may only be authorized by the Agency for Persons with Disabilities if the client is using benefit payments or third party benefits to offset a voluntary reduction in the client's Medicaid Waiver services or if the benefit payments or third party benefits are used as a required payment, co-payment, or co-insurance for Medicare or Medicaid services, including, but not limited to prescribed drugs. This term does not include the client's earned income.

(e) Personal Needs Allowance. A portion of the benefit payments and third party benefits that must be set aside and used for the direct benefit of the client. For purposes of this rule, a client's personal needs allowance is \$93.58 per month.

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

(g) Room and Board Payment. Reimbursement to the operators of facilities or programs licensed pursuant to Section 393.067, Florida Statutes, to cover the cost of providing food and shelter to Agency clients who also receive residential habilitation services in accordance with Chapter 65G-2 of the Florida Administrative Code. For purposes of this rule, a client's room and board payment is \$543.42 per month.

(h) Third party benefits. As defined in Section 402.33, F.S.

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

(4) Payments to Providers:

The room and board payment is calculated by subtracting a personal needs allowance (\$93.58 per month) from the client's monthly benefit payments and third party benefits. The room and board (\$543.42) payment is then subtracted from the remaining total. If any benefit payments or third party benefits remain after subtracting the personal needs allowance and room and board payment, the remaining balance shall be subject to the provisions in subsection (5) below.

(5) Fees assessed for Residential Habilitation services:

(a) If a client receives residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, and the client's monthly gross income exceeds the client's

personal needs allowance and the client’s room and board payment, the client must send the excess gross income to the Agency for Persons with Disabilities.

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

(c) Clients or representative payees for clients shall submit an accounting for any deductions in the calculation of the fees assessed pursuant to this subsection.

(6) Mandatory Monthly Reports to the Agency.

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

- a. The total gross income that the client receives;
- b. The amount to be subtracted for payment of the client’s room and board and for the client’s personal needs allowances;
- c. The total amount owed to the provider pursuant to subsection (4) of this rule or the total amount of the fee assessed pursuant to subsection (5) of this rule.

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

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

(7) Review of Assessed Fees.

(a) Substantially affected individuals may request a review the fees assessed upon their gross income by submitting a request for review to the applicable area office. The client or responsible party must notify the agency, in writing, of the request for review of the fee assessed, and must submit any receipts, tax records, bills, certified statements or other documentation needed to substantiate the request for a review of the fee.

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

Rulemaking Authority 393.501(1), 402.33 FS. Law Implemented 402.33 FS. History–New\_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-162.203	Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

(4) 2001 CSO Preferred Class Structure Table.

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this rule, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

1. On valuation dates beginning with December 31, 2010, for policies issued on or after January 1, 2005 for policies not issued in this state, and on or after June 8, 2005, for policies issued in this state, and prior to January 1, 2007 wherever issued, these tables may be substituted at the option of the insurer and subject to the conditions of subsection (5), if the Regulatory Asset Adequacy Issues Summary required by Rule 69O-138.047, F.A.C., includes, if applicable, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods.

The remainder of the rule reads as previously published.

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**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that on February 29, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Indialantic Police Department on behalf of Sergeant Theodore Baker for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting cycle.