

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

DATE AND TIME: July 19, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Hyatt Regency Coral Gables, 50 Alhambra Plaza, Coral Gables, FL 33134, (305)441-1234. The workshop will not be accessible via telephone.

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: Jean Salmonsén at (850)488-4197. 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: Kevin Tatreau, Director of Multifamily Development Programs

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 EDUCATION

Florida School for the Deaf and the Blind

RULE NOS.:	RULE TITLES:
6D-3.0021	Individual Education Plan
6D-3.0022	Individual Education Evaluation
6D-3.0023	Protection in Evaluation Procedures
6D-3.003	Due Process Procedures
6D-3.004	Impartial Review and Appeal
6D-3.005	Assignment of Surrogate Parents
6D-3.006	Access to and Confidentiality of Student Records
6D-3.007	Provision of Non-Academic and Extracurricular Services and Activities
6D-3.008	Discrimination Complaint Procedures for Student Access
6D-3.010	Confidentiality of Information

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during a comprehensive rule review as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rules 6D-3.0021, 3.0022, 3.0023, 3.003, 3.004, 3.005, 3.006, 3.007, 3.008, and 3.010, F.A.C., identified during the comprehensive rule review as duplicative, unnecessarily burdensome, or no longer necessary. The sections proposed for repeal are either advisory in nature,

repeat statutory provisions, duplicate requirements found in other rules of the agency, or are based on statutory authority that 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: The proposed repeals remove unnecessary or outdated language. There are no costs associated with removing these sections, and in some cases costs may be reduced.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Friday, August 24, 2012, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

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 3 days before the workshop/meeting by contacting: Cindy Day, (904)827-2221. 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: Cindy Day, (904)827-2221

THE FULL TEXT OF THE PROPOSED RULES IS:

6D-3.0021 Individual Education Plan.

Rulemaking Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 5-5-87, Amended 9-16-93, Amended 3-25-96, Amended 3-22-04, Repealed.

6D-3.0022 Individual Education Evaluation.

Rulemaking Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 5-5-87, Amended 9-16-93, Repealed.

6D-3.0023 Protection in Evaluation Procedures.

Rulemaking Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b), 229.053(2)(i), (j), 242.331(4) FS. History–New 5-5-87, Repealed.

6D-3.003 Due Process Procedures.

Rulemaking Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(c), 242.331(4) FS. History–New 4-5-79, Amended 9-8-85, Transferred from 6D-3.03, Amended 5-5-87, Amended 4-12-90, Amended 4-4-93, Repealed.

6D-3.004 Impartial Review and Appeal.

Rulemaking Specific Authority 120.53 (1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 4-5-79, Amended 9-8-85, Transferred from 6D-3.04, Repealed.

6D-3.005 Assignment of Surrogate Parents.

Rulemaking Specific Authority 120.53(1)(a), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 1-28-80, Amended 9-8-85, Transferred from 6D-3.05, Repealed.

6D-3.006 Access to and Confidentiality of Student Records.

Rulemaking Specific Authority 120.53 (1)(b), 242.331(3) FS. Law Implemented 120.53(1)(b), 242.331(4) FS. History–New 1-28-80, Amended 9-8-85, Transferred from 6D-3.06, Repealed.

6D-3.007 Provision of Non-Academic and Extracurricular Services and Activities.

Rulemaking Specific Authority 1002.36(4)(d) FS. Law Implemented 1002.36(4)(d) FS. History–New 1-28-80, Transferred from 6D-3.07, Amended 3-22-04, Repealed.

6D-3.008 Discrimination Complaint Procedures for Student Access.

Rulemaking Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 6-2-81, Transferred from 6D-3.08, Amended 1-19-04, Repealed.

6D-3.010 Confidentiality of Information.

Rulemaking Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 228.093(3)(d) FS. History–New 4-29-91, Amended 10-28-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Day, Executive Director of Parent Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees, Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2012

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-4.710 School Readiness Program Curricula

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish the process for selection and review of curricula for use in the School Readiness Program.

SUMMARY: In order to offer the School Readiness Program, providers must use a developmentally appropriate curriculum. The proposed rule establishes the process by which developmentally appropriate curricula are recognized and by which individuals or organizations can request that the Office determine whether a curriculum is developmentally appropriate.

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.

All School Readiness Providers are required by statute to use a developmentally appropriate curriculum in order to be eligible to offer the School Readiness Program. It is anticipated that it will take School Readiness Providers a maximum of 15 minutes to review a list of developmentally appropriate curricula developed and maintained by the Office under this rule. At a cost of \$9 per hour for staff time, it is anticipated that this rule will have a financial impact of \$2.25 per School Readiness Provider annually for a total of \$22,500 per year. The total recurring financial impact of this rule over five years would therefore be \$112,500.

The Office further anticipates that approximately 200 curricula will be submitted for review under this rule in the first year the rule is effective. The Office estimates that, including the cost of staff time for compliance, postage, and time for preparation of materials, a financial impact of \$22.20 per curriculum can be expected. Therefore, the Office anticipates approximately \$4,400 will be expended in one-time costs.

The total financial impact over a five year period is therefore anticipated to be approximately \$116,900.

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: 411.01(4)(d)8., 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(d)3.f. FS.

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

DATE AND TIME: July 20, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32301, or via WebEx which may be accessed at the following website: http://www.floridaeearlylearning.com/EarlyLearning/OEL_Program_ProposedRulesNotices.html

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: Ed Hoover at (850)717-8550. 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: Stephanie Savestanan, Policy Director, Florida's Office of Early Learning, 250 Marriott Dr. Tallahassee, Florida 32399, (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-4.710 School Readiness Program Curricula.

(1) Beginning July 1, 2013, providers offering the School Readiness program shall be required to utilize a developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by Florida's Office of Early Learning (the Office) pursuant to Rule 6M-4.700, F.A.C.

(a) A list of curricula which has been determined by the Office to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Office is published at the website: www.floridaeearlylearning.com.

(b) Each provider offering the School Readiness program shall select a curriculum or curricula from the list published by the Office. The provider must ensure that it selects and implements a curriculum or combination of curricula which addresses each developmental domain established in the performance standards adopted by the Office and includes a character development component designed to develop basic values.

(2) Curriculum reviews shall be conducted annually. Submissions for the review process must be received by the Office no later than the last business day of July of each year.

(3) An individual or organization may obtain a curriculum review by sending a written request to Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, Florida 32399 or to OEL.Trainings@oel.myflorida.com. More than one curriculum

may be submitted to be reviewed at the same time. Once a curriculum has been approved, it remains approved until the performance standards are revised.

(a) Requests to review a curriculum shall include:

1. The name of the requestor;

2. An email or mailing address of the requestor;

3. A telephone number of the requestor;

4. The name of the curriculum to be reviewed;

5. Publisher information, if applicable;

6. The publication date of the curriculum to be reviewed;

7. The version of the curriculum to be reviewed; and

8. A description of whether the curriculum is to be used as a comprehensive curriculum or a supplemental curriculum.

i. "Comprehensive curriculum" means a curriculum intended for use as the sole or primary curriculum implemented in a classroom. A comprehensive curriculum must address each developmental domain established in the performance standards adopted by the Office and include a character development component designed to develop basic values.

ii. "Supplemental curriculum" means a curriculum intended for use only in conjunction with one or more curricula. A supplemental curriculum must address at least one developmental domain established in the performance standards adopted by the Office or include a character development component designed to develop basic values.

(b) Incomplete requests to review a curriculum shall not be considered.

(4) The process for reviewing curricula shall be conducted as follows:

(a) Florida's Office of Early Learning shall convene a Curriculum Review Team comprised of qualified individuals selected in accordance with criteria defined in this rule and who shall serve as reviewers of up to three (3) curricula and all associated materials at a time.

(b) The Office will designate an individual within the Office to serve as a point of contact for questions from reviewers and requestors.

(c) The Office shall supply the requestor with the mailing address of where each reviewer would like the materials delivered.

(d) The requestor shall provide a complete copy of the curriculum or curricula to each of the three reviewers postmarked no later than the first business day of October.

1. A complete copy of a curriculum includes copies of all printed materials and any other materials that the requestor deems necessary to illustrate that the submitted curriculum addresses each of the developmental domains established in the performance standards adopted by the Office.

2. Materials not originally submitted as part of the complete curriculum shall not be considered. Curriculum will be evaluated on the materials received.

3. If the requestor would like the reviewer to return the submitted materials, a pre-paid method for returning the materials, along with instructions for return, must be provided when the materials are originally submitted to the reviewer.

(e) Each reviewer shall independently analyze the curriculum using the School Readiness Curriculum Rubric, Form OEL-SR 31, dated January 24, 2012, (hereinafter referred to as "Rubric"), which is hereby incorporated by reference. Following review, each reviewer shall submit the completed Rubric to the Office no later than the first business day of January. Reviewers shall not discuss the curriculum review with any individual or organization other than the point of contact designated by the Director of the Office.

1. A comprehensive curriculum must earn an average Rubric score of at least 80% to receive approval.

2. A supplemental curriculum must earn a score of 80% for each developmental domain or character development component addressed.

(f) The Office will send written notification of approval or disapproval of a curriculum for use in the School Readiness program to the requestor no later than the first business day of February.

(g) If a curriculum is disapproved for use in the School Readiness program, a requestor may obtain a copy of the completed Rubrics and/or request a reassessment of the curriculum by submitting a request to the Office at 250 Marriott Drive, Tallahassee, Florida, 32399 or at the email address OEL.Trainings@oel.myflorida.com within twenty business days of the requestor's receipt of the curriculum's disapproval notification. Once the request for reassessment is received, the Office will acknowledge receipt of the request in writing, will render a decision within 15 business days, and notify the requestor of approval or disapproval by certified mail. If the requestor does not receive a response within this time period, the requestor should contact Florida's Office of Early Learning to determine whether the determination stands. Upon contact by the requestor, Florida's Office of Early Learning will again issue its determination in writing. The requestor may appeal a decision of disapproval from the Office pursuant to Chapter 120, F.S.

(5) Curriculum Reviewers. Individuals who wish to participate in the curriculum review process established under this rule shall complete and submit a Curriculum Reviewer Application, Form OEL-SR 32, dated January 24, 2012, which is hereby incorporated by reference, to Florida's Office of Early Learning at 250 Marriott Drive, Tallahassee, Florida, 32399 or at the email address OEL.Trainings@oel.myflorida.com. Reviewers must:

(a) Hold a Bachelor's or higher degree in the fields of early childhood education, child development, elementary education, curriculum and instruction, educational leadership, exceptional education, early childhood special education, or a related field;

(b) Have a minimum of five years of employment and experience in a field related to early childhood education, child development, elementary education, curriculum and instruction, or educational leadership, exceptional education, early childhood special education;

(c) Complete an Office sponsored training on the performance standards adopted by the Office;

(d) Complete an Office sponsored training on the use of the Rubric;

(e) Not have a financial interest, as defined in Section 112.3143, F.S., in any curriculum he or she reviews;

(f) Not have any personal interest in any curriculum he or she reviews (such as employment of the individual or his or her relatives, as defined by Section 112.3143, F.S., by the publisher in any capacity, or certification of the individual or his or her relatives as a trainer in the use and/or application of the curriculum within the past three years);

(g) Submit documentation supporting any claim made on the Form OEL-SR 32, upon the request of the Office;

(h) Contact the Office to provide updated information when qualifications change or to request removal from consideration for selection when an individual no longer wishes to participate in the curriculum review process;

(i) Not receive compensation for participating under this rule.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)3.f.FS.History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Courtnie Wheelless, Florida's Office of Early Learning

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Mel Jurado, Director, Florida's Office of Early Learning

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

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

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-4.720
 RULE TITLE: Screening of Children in the School Readiness Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to utilize the Office's authority to standardize screenings of children enrolled in the School Readiness (SR) Program.

SUMMARY: The proposed rule establishes criteria for selection of screening instruments, processes by which early learning coalitions will ensure screenings are conducted, and minimum requirements for maintenance of information regarding screenings.

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 Office estimates a cost of \$180,781.83 a year will be incurred statewide by small businesses. The Office reached this conclusion based on the following estimates.

Based on information provided by experts in the field, the Office anticipates that it will take approximately 15 minutes to conduct a screening of each child enrolled in the School Readiness Program. At an average rate of \$9 an hour for School Readiness provider staff time, it will cost approximately \$2.25 to screen each child.

It is anticipated that 80,341 of the children enrolled in the School Readiness Program will be screened by a total of 4369 child care providers which will be conducting screenings. Therefore, the average cost to each provider conducting screenings will be approximately \$38.97.

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: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(d)3. FS.

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

DATE AND TIME: July 20, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32301, or via WebEx which may be accessed at the following website: http://www.floridaearlylearning.com/EarlyLearning/OEL_Program_ProposedRulesNotices.html

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: Ed Hoover at (850)717-8550. 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: Stephanie Savestanan, Policy Director, (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-4.720 Screening of Children in the School Readiness Program.

(1) Definitions. As used in this rule.

(a) The term "referral" refers to the process of providing information and recommendations to parents regarding further evaluation for a child who exhibits the potential for developmental delays based on the results of his or her screening, and

(b) The term "screening" refers to activities to identify children who may need further evaluation in order to determine the existence of a delay in development or a particular disability.

(2) Screening Process.

(a) Each early learning coalition shall coordinate with parents or providers to ensure that any child, aged birth to five, is screened within 45 calendar days of his or her first enrollment in the School Readiness (SR) program. If a child, aged birth to five, is re-enrolled in the SR program, the coalition must determine if he or she has been screened in accordance with the re-screening schedule identified in subsection (3). If the child has not been screened in accordance with the re-screening schedule identified in subsection (3), the coalition shall ensure he or she is screened within 45 calendar days of his or her reenrollment in the SR program.

(b) If a coalition elects to coordinate with providers to implement screenings for children, the coalition shall notify the provider serving each child, in writing, of the date by which the child must be screened. The coalition shall give this notification to the provider a minimum of 15 calendar days prior to the date by which the child must be screened. Within 15 calendar days of completion of a child's screening, the provider shall submit the child's screening results to the coalition in writing.

(c) The parent of a child enrolled in the SR program may decline to have his or her child screened by submitting a written statement to the coalition. Such written notice shall include a statement indicating that the parent objects to the screening, the name of the parent, the parent's signature, the date, and the child's name. A parent's screening decision remains in effect if a child changes SR providers within an early learning coalition's service delivery area.

(d) Each early learning coalition shall ensure that the screening results for each child are presented, in writing, to the child's parent. Early learning coalitions shall make staff persons available to explain screening results if requested by a parent.

(3) Re-screening. Each early learning coalition shall ensure that any child, under age three (infants and toddlers), who is enrolled in the SR program is screened at a minimum at least once by age 9 months, at least once between age 9 months and 18 months, and at least once between age 18 months and

30 months. Each early learning coalition shall ensure that any child, ages three to five, who is enrolled in the SR program is screened at least once annually.

(4) Screening Instruments. Each early learning coalition shall ensure screenings are conducted using a screening instrument or instruments which meet all of the following criteria:

(a) Covers an age range of at least six weeks to sixty months;

(b) Addresses, at a minimum, each of the developmental domains established in the performance standards (*Florida Early Learning and Developmental Standards: Birth to Five*) adopted by Florida’s Office of Early Learning (the Office) in Rule 6M-4.700, Child Performance Standards;

(c) Takes 30 minutes or less to complete per child;

(d) Is supported by research-proven validity tests;

(e) Is supported by research-proven reliability tests;

(f) Is available, at a minimum, in English and Spanish versions;

(g) Is appropriate to be administered by a parent or guardian, child care provider or other professional; and

(h) Yields results, which can be entered into data fields into an electronic tracking system.

(5) Referrals.

(a) Each early learning coalition shall ensure that any child who is identified as having a potential developmental delay or disability based on his or her screening receives a referral for services to the the age appropriate Part C or Part B program under the Individuals with Disabilities Education Act (IDEA) within 30 days of screening.

(b) Each early learning coalition shall ensure the parent of any child who must receive a referral under paragraph (5)(a) is notified in writing. The notification must include, at a minimum, areas identified through the screening which are of concern and local contact information for the age appropriate Part C or Part B program under the IDEA.

(c) When providing a referral under paragraph (5)(b), each early learning coalition must offer to contact an age appropriate Part C or Part B program under the IDEA. The coalition must document the parent’s choice in writing. Such documentation must include a statement indicating the choice regarding receipt of additional help, the name of the parent, the parent’s signature, the date, and the child’s name.

(6) Tracking. The early learning coalition shall ensure that the child screening and referral information be entered into an electronic system of tracking within 45 calendar days of screening. The early learning coalition shall ensure that the electronic version of the screening information be made available to the Office, upon request. The child screening information included in the electronic tracking system must include at a minimum the following elements:

(a) Child name;

(b) Child date of birth;

(c) Child age;

(d) Child ID number, if available;

(e) Parent name;

(f) Parent contact information, to include: mailing address, email address, and phone number, if available;

(g) Date of enrollment in the SR program;

(h) Date of screening/re-screening or documentation of parental objection to the screening;

(i) A summary of areas in which the child shows potential for developmental delays based on the screening.

(j) Date of referral, if applicable under paragraph (5)(a); and

(k) Whether the parent elected to receive additional help from the coalition under paragraph (5)(c).

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)3. FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Craig, Statewide Child Progress Coordinator, Florida’s Office of Early Learning

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Mel Jurado, Director, Florida’s Office of Early Learning

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2013, Vol. 38/05

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to strike disposable lighters from the authorized property list.

SUMMARY: Disposable lighters are deleted from the inmate property list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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: upon review of the proposed changes to these rules and

incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as 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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) through (17) No change.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified below as “exemptions,” property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

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

Exemptions.

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

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

AUTHORIZED PROPERTY LIST

CLOTHING				
Quantity	Unit	Value	Articles	
1	each		Athletic Bra (canteen – female only)	
1	each		Belt (state issue)	
4	each		Bras (state issue or canteen – female only)	
1	each		Coat (state issue)	
1	pair		Gloves, work (state issue)	
4	each		Handkerchief, cotton, white only (canteen)	
1	each		Hats (state issue)	
2	pair		Pajamas – long (state issue or canteen) Light blue or white – female only	
			Light blue – male	
7	each		Panties (state issue or canteen – female only)	
3	each		Pants (state issue)	
1	each		Raincoat or Poncho – clear (state issue or canteen)	
1	each		Robe (state issue – female only)	
3	each		Shirt, outer (state issue)	

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

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (canteen)
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	each		Canteen bag (canteen)
1	set		Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coffee mug – plastic (canteen)
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
2	each		Crème rinse and conditioner (canteen)
1	each		Cup, drinking – plastic (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)
1	each		Denture adhesive (state issue or canteen)
1	each		Denture cup (canteen order)
2	each		Deodorant and antiperspirant (no aerosols) (canteen)
1	set		Domino (light wood or plastic, standard size) (canteen order)
1	Set		Earbuds (canteen)
1	pair		Earphone pads (replacement) (canteen order)
1	pair		Ear rings, post type (female only) (canteen order)
*			Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack		Emery board – cardboard (canteen)
25	each		Envelopes – legal (#10 size) (canteen)
5	each		Envelopes – oversized (10" x 13") (canteen)
*			Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each		Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided

			by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each		Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box		Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*			File folders (*limited by storage space)
20			Greeting cards and accompanying envelopes
1	each		Hairbrush – nonmetal, handles for females only (canteen)
2	each		Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each		Hair net (female only) (canteen)
25	each		Hair rollers (female only) (canteen)
2	each		Handballs or racketballs (canteen)
1	each		Headphones for use with radio (canteen)
Maximum weekly dosage			Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each		Hearing aid (state issue or personal)
*			Hobby craft – at locations where program exists and subject to storage space limitations
1	each		Insect repellent (canteen)
1	each		Jigsaw puzzle (canteen order)
1	each		Keyboard (canteen)
1	each		Laundry bag (state issue or canteen)
1	each		Lighter, disposable (approved type) (canteen)
1	each		Lip balm (canteen)
1	each		Locks, combination (V68 series) (canteen)
1	each		Make-up bag, clear only (female only) (canteen)
1	each		Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each		Moisturizer – no mineral oils, no vaseline (canteen)
1	each		Mouthwash (canteen)
1	each		MP3 Player (canteen)
1	each		MP3 Player arm band holder (canteen)
1	each		Nail clippers, not to exceed 2 1/2" (canteen)
2	pack		Notebook paper (canteen)
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security Pens, no markers (canteen)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
1	each		Screen protector (canteen)

2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toilet Paper (state issue or canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

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

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

COMMISSION ON ETHICS

RULE NOS.: RULE TITLES:
 34-5.006 Probable Cause Determination
 34-5.0291 Award of Attorney’s Fees
 PURPOSE AND EFFECT: The Commission is amending Rule 34-5.006, which contains the procedures for probable cause determinations, at the recommendation of JAPC to make it clearer and consistent with Section 112.324, F.S. Rule 34-5.0291, F.A.C., is being amended to provide respondents and complainants with additional guidance on the process to obtain an award of attorney’s fees and costs pursuant to Section 112.317(7), F.S.
 SUMMARY: The proposed changes to Rule 34-5.006, F.A.C., clarify the probable cause determination procedures, and the proposed changes to Rule 34-5.0291, F.A.C., require petitioners to state the amount of attorney’s fees and costs

expended or incurred on their behalf through the date of filing their petition. Other minor changes are made to both rules for clarity.

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: Individuals, not small businesses, are respondents and complainants in Commission on Ethics complaint proceedings. Hence, there is no direct impact on small businesses to consider.
 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: 112.322(9) FS.
 LAW IMPLEMENTED: Art. II, Section 8(f), (h), Fla. Const., 112.317(7), 112.322, 112.324 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Friday, July 27, 2012, 8:30 a.m.
 PLACE: Senate Office Building, Room 37S, 404 S. Monroe 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 72 hours before the workshop/meeting by contacting: Millie Fulford at (850)488-7864 or fulford.millie@leg.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). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Assistant General Counsel, at (850)488-7864 or costas.julie@leg.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

34-5.006 Probable Cause Determination.

(1) through (2) No change.

(3) Advocate's Recommendation. The Advocate shall review the investigator's report and shall make a written recommendation to the Commission for the disposition of the complaint, including a statement of what charges shall be at issue at the probable cause hearing. ~~If the Advocate recommends that a public hearing be held, the recommendation shall include a statement of what charges shall be at issue at the hearing.~~ A copy of the recommendation shall be furnished to the respondent. The respondent shall be given not less than 7 days from the date of mailing of the Advocate's recommendation, within which time to file with the Commission a written response to the recommendation. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission, so long as the recommendation is furnished to the respondent within a reasonable period of time under the circumstances.

(4) Notice of Probable Cause Hearing and Right to Attend. The respondent, the complainant(s), their counsel, and the Advocate shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the probable cause hearing shall be sent to the respondent, complainant(s), and Advocate at least 14 days before the hearing. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission, so long as the notice is furnished within a reasonable period of time under the circumstances.

(5) through (6) No change.

Rulemaking Specific Authority 112.322(9) FS. Law Implemented Art. II, Section 8(f), (h), Fla. Const., 112.322, 112.324 FS. History--New 4-7-77, Amended 9-21-77, 7-13-80, 2-21-83, 11-14-85, Formerly 34-5.06, Amended 2-19-91, 7-7-91, 7-5-92, 7-28-98, _____.

34-5.0291 Award of Attorney's Fees.

(1) No change.

(2) The Commission shall make such a determination only upon a petition for costs and attorney's fees filed with the Commission by the public officer or employee complained against within 30 days following a dismissal of the complaint. Such petition shall state with particularity the facts and grounds which would prove entitlement to costs and attorney's fees and shall include the amount of such costs and attorney's fees expended by, or on behalf of, such petitioner through the date of the filing of the petition. Staff shall forward a copy of said petition to the complainant by certified mail, return receipt requested.

(3) If the facts and grounds alleged in the petition ~~complaint~~ are not sufficient to state a claim for costs and reasonable attorney's fees, the Commission shall dismiss the petition after an informal proceeding. If the Commission determines it appears that the facts and grounds are sufficient, the Chair after considering the Commission's workload, shall direct that the hearing of the petition be held before the Division of Administrative Hearings, the full Commission, or a single Commission member serving as hearing officer. Commission hearing officers shall be appointed by the Chair. The hearing shall be a formal proceeding under Chapter 120, F.S., and the Uniform Rules of the Administration Commission, Chapter 28-106, F.A.C. All discovery and hearing procedures shall be governed by the applicable provisions of Chapter 120, F.S., and Chapter 28-106, F.A.C. The parties to the hearing shall be the petitioner (i.e., the public officer or employee who was the respondent in the complaint proceeding) ~~respondent~~ and the complainant(s), who may be represented by legal counsel.

(4) The petitioner respondent has the burden of proving the grounds for an award of costs and attorney's fees.

(5) through (6) No change.

Rulemaking Specific Authority 112.322(9) FS. Law Implemented 112.317(7), 112.322, 112.324 FS. History--New 2-16-95, Amended 7-28-98, 7-30-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012, and a corrected notice on June 8, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.1101
 RULE TITLE: Amendments to and Releases of Conservation Easements

PURPOSE AND EFFECT: The St. Johns River Water Management District (District) proposes a rule amendment that would allow the District to release or amend certain conservation easements that it could not release or amend under the current rule.

SUMMARY: District Rule 40C-1.1101, F.A.C., adopted in 2010, authorizes the release or amendment of certain conservation easements that have been granted to the District in perpetuity. Release or amendment requests that fall within the following categories are authorized under the existing rule: (1) on-site adjustments; (2) regulatory conservation easements not needed to meet regulatory requirements; (3) public projects; (4) way of necessity claims (5) single-family lots; or (6) legal errors. The District proposes a rule amendment that would add an additional category of conservation easements that it could release or amend.

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: 373.044, 373.088, 373.113 FS.

LAW IMPLEMENTED: 373.088, 373.089, 373.096, 373.139(2) FS.

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

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on August 14, 2012, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwm.d.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.1101 Amendments to and Releases of Conservation Easements.

(1) This section establishes the terms and conditions under which the District shall agree to amend or release all or part of a conservation easement conveyed to it, pursuant to Section 704.06, F.S., solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. It does not apply to conservation easements that were acquired by the District partly through purchase and partly through a regulatory program. The District's decision to release or amend a conservation easement is a proprietary decision and does not result in any waiver of regulatory requirements. Property owners shall be responsible for obtaining all necessary permits for their construction activities, including any dredging or filling of wetlands. A request for the release or amendment of a conservation easement shall include a copy of the recorded conservation easement; a copy of any conservation easement over other property offered in exchange for the requested release or amendment; and a map showing the location of the recorded conservation easement and any conservation easement offered in exchange. For the District to agree to release or amend a conservation easement, the request for release or amendment shall satisfy the conditions of any one of the following seven ~~six~~ categories and the general condition in paragraph 40C-1.1101(1)(~~h~~)(~~g~~), F.A.C.:

(a) through (f) No change.

(g) Other Requests. For the purpose of this paragraph, "other requests" are requests for release or amendment of conservation easements that do not involve public projects as defined in paragraph 40C-1.1101(1)(c), F.A.C., or requests for release or amendment where the conservation easement that is the subject of the request is located on a single-family lot or within a permitted residential development. The District shall release or amend a conservation easement under this "other requests" category, under the following terms and conditions:

1. The entity making the request must provide the District with a conservation easement having substantially similar terms, over other lands within the same drainage basin, with the new conservation easement having equivalent or greater ecological and monetary value when compared to the conservation easement to be released or amended.

a. To establish ecological values, the District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement that is proposed for release or amendment, the District shall determine the

reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement’s current ecological value, whichever is greater. For the conservation easement proposed in exchange for the release or amendment, the District shall determine the increase in ecological value that would be attributed to the new conservation easement.

b. To establish monetary values, the District shall obtain an appraisal for the conservation easement area to be released or amended and for the conservation easement offered in exchange for the release or amendment. The appraisal must be in accordance with subsection 40C-1.1101(3), F.A.C., below.

2. In addition to encumbering the lands needed to establish equivalent ecological value pursuant to subparagraph 1.a. of this paragraph, the conservation easement proposed in exchange for the release or amendment shall also encumber an additional contiguous acreage of both uplands and wetlands that is at least equal to the acreage of both uplands and wetlands to be released or amended and that provides ecological value at least equivalent to the current ecological value of both the uplands and wetlands to be released or amended. The District shall not accept additional contiguous acreage that must be enhanced or otherwise modified to provide equivalent ecological value to the current ecological value of the uplands and wetlands to be released or amended.

3. The release or amendment shall not be approved if it would adversely affect the ecological value of other conservation lands or interests in lands.

4. The decision to release or amend a conservation easement shall include consideration of the effect, if any, on the reasonable expectation of persons who own property abutting the conservation easement area that the area proposed to be released or amended would be held in perpetuity as a conservation area.

~~(h)(g)~~ No change.

(2) No change.

(3) Appraisals.

(a) through (c) No change.

(d) All appraisals shall be prepared by appraisers certified under Chapter 475, F.S.

1. Appraisals for Public Projects and Other Requests.

a. The appraisal assignment shall be to provide an opinion of market value of the District conservation easement over the release or amendment area and of the conservation easement offered in exchange. The market value of the conservation easement over the release or amendment area shall be based on the difference between the full fee simple valuation after the release or amendment and the value of the interests remaining with the person seeking the release before the release or amendment. The market value of the conservation easement over the area offered in exchange shall be based on the difference between the value of the full fee simple valuation

before the conveyance of a conservation easement and the value of the interest remaining with the grantor of the easement after conveyance of the conservation easement.

2. Single Family Lots.

a. The appraisal assignment shall be to provide an opinion of market value of the District conservation easement over the release or amendment area. The market value of the conservation easement over the release or amendment area shall be based on the difference between the value of the single-family lot after the conservation easement is released or amended and the value of the single-family lot without the conservation easement release or amendment.

(e) All appraisals shall be prepared by an appraiser selected and retained by the District.

(f) The person requesting the release or amendment shall pay the District for the cost of any appraisal and payment for the cost of the appraisal(s) shall be made before the District proceeds with the appraisal(s).

Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History–New 1-12-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Register, Director, Division of Regulatory Services, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4212

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:

RULE TITLE:

40C-2.101

Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to specify the kinds of information required for a consumptive use permit applicant to document the availability of reclaimed water for the applicant’s use, as part of the applicant’s evaluation of the feasibility of using reclaimed water from the reuse utility providing the information.

SUMMARY: The proposed amendments satisfy the legislative mandate of subsection 373.250(3), F.S., that each water management district implement paragraphs 373.250(3)(c) and (d), F.S., through rulemaking. Paragraph 373.250(3)(c), F.S., requires certain permit applicants for a consumptive use of water to provide (as part of their reclaimed water feasibility evaluation) written documentation from a provider of

reclaimed water (“the reuse utility”) addressing the availability of reclaimed water to the applicant. The documentation requirement of paragraph (c) applies only for an applicant whose proposed use lies within an area that is served with reclaimed water by a reuse utility or will be so served within five years, as determined by the reuse utility and provided to the district. As required by paragraph 373.250(3)(d), F.S., the proposed rule amendments would specify the content of the documentation required in paragraph (c) on the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant’s evaluation of the feasibility of using reclaimed water from the reuse utility providing the information. All the substantive amendments would appear in subsection 10.3(f) of the Applicant’s Handbook for consumptive use permits. The proposed amendment to Rule 40C-2.101, F.A.C., would revise the date of the adopted version of the Handbook, coinciding with the date on which the rule amendments would take effect.

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 District has completed the “Is a SERC Required?” form for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) and prepared a summary of the proposed rule amendments, which are both available on request. Based on that completed form and the summary and analysis performed by the District’s economist, the proposed rule amendments are not expected to require legislative ratification under subsection 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: 373.044, 373.113, 373.250(3) FS.

LAW IMPLEMENTED: 373.250(3)(c)-(d) 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: Following the regularly scheduled Governing Board Meeting on August 14, 2012, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

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: the District Clerk at (386)329-4127. 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: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” (*effective date*) ~~12-27-10~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, 373.083, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, _____.

APPLICANT’S HANDBOOK SECTIONS

10.3 Reasonable-Beneficial Use Criteria

(a) through (e) No change.

(f) When reclaimed water is readily available it must be used in place of higher quality sources unless the applicant demonstrates that its use is ~~either not~~ economically, environmentally, or technologically infeasible.

In determining whether reclaimed water is readily available, the District will consider the following factors:

(1) through (3) No change.

(4) Any other relevant information, including the documentation required in paragraph 5 immediately below.

(5) Applicants for withdrawals to be located within an area depicted by the District on its website as an area that is or may be served with reclaimed water by a reuse utility within five years from the date of application shall provide written documentation from the applicable reuse utility, addressing the availability of reclaimed water. The applicant shall request the reuse utility to provide a letter stating that reclaimed service is not available, or providing the following information:

1) Whether a reclaimed water distribution line is at the applicant's property boundary. If not, provide the following:

a) An estimate of the distance in feet from the applicant's property to the nearest potential connection point to a reuse line.

b) The date the reuse utility anticipates bringing the connection to the applicant's property boundary.

2) If reclaimed water is available at the property boundary:

a) The peak, minimum, and annual average daily quantity in gallons per day of reclaimed water supply available from the nearest potential connection point, as well as expected average monthly quantities.

b) The reliability of the potential reclaimed water supply (i.e., on-demand 24/7, or bulk-interruptible diurnal or seasonal, length of supply agreement, or other basis).

c) The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest connection point to the applicant's property, including any typical seasonal or other fluctuations in the operating pressure.

3) All costs associated with the applicant's use of reclaimed water:

a) The reclaimed water rate or rates the reuse utility would charge the applicant (e.g., the cost per 1000 gallons) and any other periodic fixed or minimum charges for use of reclaimed water by the applicant.

b) Any other one-time charges for the connection to the reuse.

c) Whether the reuse utility helps fund potential reclaimed customers' costs to connect to the reclaimed line or convert its operation to use reclaimed water.

4) The water quality parameters of the reclaimed water for the constituents that the applicant identifies as pertinent to the intended use.

5) Any additional information the reuse utility thinks the applicant should consider in evaluating the economic, environmental, or technical feasibility of its using reclaimed water, including any reclaimed water availability charges the reuse utility would impose if the applicant chose not to connect to the reclaimed water system.

If the reuse utility fails to respond or does not provide the information within 30 days after receipt of the applicant's request, the applicant shall provide the District a copy of the applicant's written request and a statement that the utility

failed to provide the requested information. If the reuse utility provides a partial response, the applicant shall also provide that to the District.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Smith, Senior Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2347

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-1.020

Definition of County of Residence

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.020, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S.

SUMMARY: The implementation guidelines will result in improvements to the Medicaid County billing process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.915 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: Thursday, July 26, 2012, 1:00 p.m. – 3:00 p.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: Debbie Smith at the Division of Operations, (850)412-3811. 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: Tonya Kidd, Deputy Secretary of Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: tonya.kidd@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-1.020 Definition of County of Residence.

For the purpose of county financial participation in the Medicaid Program, the county of residence for inpatient hospital care and nursing home care is determined by the recipient's address information contained in the federally approved Medicaid eligibility system defined as follows:

(1) For hospital claims, whether through fee-for-service or managed care, the address is based on the current living or residential address, with the exception of when the resident lives in a nursing home. When an individual lives in a nursing home, the address is based on the prior address. A person is considered to be residing in a county when they establish or maintain a physical living arrangement, outside of a medical facility, which they or someone responsible for them, consider to be home. A visit to another county does not make a person a resident of that county, nor does a planned temporary living arrangement prior to admission in a medical facility. Except in unusual situations related to an extended visit, it makes no difference how long a person has been physically located in the county if they maintain a primary residence in another county, and intend to return to that county. In all instances the person's intent to reside in a county is the determining factor, regardless of the length of time involved.

(2) For nursing home claims, whether through fee-for-service or managed care, the address is based on the prior address, except when an individual is admitted to a nursing home directly from a place of residence outside of the State of Florida. If the individual is admitted to a nursing home from another state, the nursing home address will be used for county billing purposes. When an applicant has been admitted to a nursing home directly from a place of residence outside of

~~the State of Florida, so that no Florida residency has been established, the certified county of residency will be considered as that county in which the nursing home is located.~~

(3) Since address information for children in custody is unavailable, counties are not responsible for these payments. In situations that are not clear cut, or otherwise unusually complicated, the determination of residency should be made on the basis of the preponderance of evidence. If a decision is not possible on this basis, the case should be referred to the Office of Social and Economic Services for determination

Rulemaking Authority 409.919 FS. Law Implemented 409.915 FS. History—New 1-1-77, Formerly 10C-7.31, 10C-7.031, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tonya Kidd

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.025 RULE TITLE: Medicaid County Billing

PURPOSE AND EFFECT: The purpose of new Rule 59G-1.025, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S.

SUMMARY: The implementation guidelines will result in improvements to the Medicaid County billing process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.915 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: Thursday, July 26, 2012, 1:00 p.m. – 3:00 p.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: Debbie Smith at the Division of Operations, (850)412-3811. 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: Tonya Kidd, Deputy Secretary of Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: tonya.kidd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-1.025 Medicaid County Billing.

(1) Retrospective Bills. This paragraph applies to the certification of county billings from November 1, 2001, through April 30, 2012, that remain unpaid, as provided in Section 409.915(7), F.S.

(a) By August 1, 2012, the Agency will certify to each county the amount that is unpaid for retrospective bills. After August 1, 2012, the agency will not change any county's certified amount.

(b) By September 1, 2012, each county shall notify the Agency of its decision to challenge the certified amount or not.

(c) September 13, 2012, 5:00 p.m. Eastern Standard Time, each county may make total or partial payment in the form of a check or wire transfer to the Agency of the amount certified by the Agency pursuant to paragraph (1)(a).

(d) By September 15, 2012, the Agency will certify to the Department of Revenue:

1. 100 percent of the amount provided in paragraph (1)(a) minus amounts paid pursuant to paragraph (1)(c) for each county that challenges the certified amount by filing a petition by September 1, 2012.

2. 85 percent of the amount provided in paragraph (1)(a) minus amounts paid pursuant to paragraph (1)(c) for each county that does not challenge the certified amount by September 1, 2012.

(2) Prospective Bills. This paragraph applies to the monthly amount of each county's contribution to Medicaid as required in Section 409.915, F.S.

(a) Certification.

1. For all certifications prior to June 1, 2013, the Agency will certify to the Department of Revenue by the 7th day of each month the amount of the monthly bill rendered one month prior less any amounts as provided in paragraphs (2)(b) and (2)(c).

2. For the June, 2013 certification, the Agency will certify to the Department of Revenue the amount of the monthly bills rendered in May, 2013 and June, 2013.

3. Beginning July 1, 2013, the Agency will certify to the Department of Revenue by the 7th day of each month the amount of the monthly bill rendered that month less any amounts as provided in paragraph (2)(b).

4. If the 7th day of the month falls on a weekend or holiday, certification will be completed on the first business day following the 7th day of the month.

5. If the Department of Revenue determines there are insufficient funds to pay a county's monthly certified amount, the Department will notify the Agency of the amount still owed, and the Agency will send an invoice to the affected county. The county shall pay the invoice within 60 days of receipt. The balance on any invoice that remains unpaid after 60 days will be re-certified to the Department of Revenue in subsequent months until paid in full.

(b) Payments.

Each county may choose to submit payment in the form of a check or wire transfer to the Agency. Such payment must be received by 5:00 p.m. Eastern Standard Time two business days prior to the date of certification.

(c) Refund Requests.

1. Advanced Refund Request.

a. No later than the last business day of each billing month, each county may request an advanced refund request through the county billing portal for those claims on the monthly billing that the county disputes. If the request is reasonable, the Agency will stay certification for the advanced refund request.

b. Refund requests resulting in certification amounts stayed will be researched within 60 days by the Agency.

I. Denied refund requests will be certified to the county on a subsequent bill.

II. Bills for which a refund request is granted on the basis that the bill should have been submitted to a different county will be transferred and certified to the appropriate county on a subsequent bill.

c. A county does not waive any right to subparagraph (c)2., Back End Refund Request, by making an advanced refund request.

d. Except for sub-subparagraph 1.b., subparagraph 1. Shall expire on April 30, 2013.

2. Back End Refund Request.

a. No later than the last business day of the month following the bill issuance, each county may request a back end refund request.

b. Back end refund requests must be in writing and must include the reason and documentation for the request, and be received by the agency by the last business day of the month in which that bill was certified.

c. Within 60 days of receipt of the request, the Agency will notify the county whether the request is granted, either in part or in whole. If any portion of the request is denied, the agency will provide information as to the reasons for the denial. If any portion of the refund request is granted, the refund will be in the form of a credit notification to the Department of Revenue, or a credit applied to a subsequent bill. Approved refunds that should have been billed to a different county, will be transferred to the appropriate county on a subsequent bill.

(d) Receipts.

1. The Agency will provide each county a monthly receipt of amounts billed, amounts paid and amounts certified to the Department of Revenue.

2. The Agency will provide each county a monthly receipt of action taken on Advance Refund Requests.

Actions taken include:

a. ARR Denied – Advance Refund Request Denied and the claim will appear on a subsequent bill with a status of ARR Denied;

b. ARR Transferred Out – Advance Refund Request Transferred Out and the claim will be transferred to a different county than the county requesting Advanced Refund;

c. Adjusted and closed.

3. The Agency will provide each county a written receipt approving or denying each Back End Refund Request.

a. Approved Back End Refund Requests will be credited to a future bill.

b. Denied Back End Refund Request will state the reason for denial.

Rulemaking Authority 409.919 FS. Law Implemented 409.915 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tonya Kidd

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.:

RULE TITLE:

60FF1-5.003

E911 State Grant Programs

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to modify W Form 3A, “Application for the E911 State Grant Program” and to update the procedures for applying for the state grant program.

SUMMARY: The rule substantial rewrite of the rule will modify W Form 3A, “Application for the E911 State Grant Program” and to update the procedures for applying for the state grant program.

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: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) 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: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60FF1-5.003 follows. See Florida Administrative Code for present text.)

60FF1-5.003 E911 State Grant Programs.

The E911 State Grant program is a grant program provided for the purpose of assisting State of Florida counties, as defined by Section 365.172(6)(a)3.b., Florida Statutes, with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

(1) Eligibility. Any Board of County Commissioners in the State of Florida.

(2) Definitions.

(a) “Enhanced 911” (E911): As defined by Section 365.172(3)(i), Florida Statutes, and as referenced in the State E911 Plan under Section 365.171, Florida Statutes.

(b) “E911 Maintenance”: Means the preventative, routine and emergency maintenance required by the State E911 Plan, in order to maintain the E911 System in operable working condition.

(c) “E911 System”: Means the Public Safety Answering Point equipment, in accordance with the State E911 Plan, including 911 call routing, processing, mapping and call answering communications equipment.

(d) “Government Accounting Standards Board” (GASB): Means the independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments.

(e) “Next Generation 911” (NG-911): Means the designation for an advanced 911 emergency communications system or service that provides a communications service subscriber with 911 service and, in addition, directs 911 emergency requests for assistance to appropriate public safety answering points based on the geographical location from which the request originated, or as otherwise provided in the State E911 Plan under Section 365.171, Florida Statutes, and that provides for automatic number identification and automatic location identification features and emergency data information through managed IP-based networks.

(f) “Public Safety Answering Point” (PSAP): As defined by Section 365.172(3)(a), Florida Statutes, and as referenced in the State E911 Plan under Section 365.171, Florida Statutes.

(3) General conditions.

(a) Each county applying for E911 State Grant funds shall complete and submit W Form 3A, “Application for the E911 State Grant Program,” effective 8/1/2012, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Staff
4030 Esplanade Way, Suite 160
Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for Application Form items 1 through 14 and the associated quotes for the grant application postmarked or delivered on or before November 1 of each year.

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Procurement shall be based on the county’s purchasing requirements and the applicable State purchasing requirements, including Section 112.061, Florida Statutes. All travel and associated per diem costs proposed shall be in accordance with paragraph (3)(u).

(d) All grant applications shall be accompanied by at least one complete quote for equipment or services. Grant applications totaling \$35,000.00 or more must be accompanied by at least three written substantiated competitive complete quotes from different vendors. Complete quote submittals shall include a detailed scope of work, all pages included in the vendor proposal, breakdown of all costs including equipment and service deliverables. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain at least three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses.

(e) If the grant application does not exceed the threshold amount of \$195,000, the county can initiate a request for sole source funding. Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall be provided with the application. Sole source funding will be approved if provided in accordance with Chapter 287, Florida Statutes, or with provision of a letter from the county’s purchasing department that the project is a sole source procurement based on the county’s purchasing requirements, which should be provided with the grant application.

(f) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the E911 Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph (3)(a).

(g) Recurring network and circuit costs, equipment maintenance and warranty costs will not be funded on more than the first year implementation period.

(h) No grant money will be awarded to be used for the purpose of paying 911 coordinators and call takers or other 911 personnel salaries and associated expenses.

(i) Two or more counties may apply for a joint grant, but each county must complete and submit W Form 3A as requested and indicated.

(j) Grant funding shall be limited (per grant cycle) to eligible expenditures for two PSAPs per county; either two primary or two secondary PSAPs or one primary and one secondary PSAP. Counties with only one consolidated PSAP in the county, with no other primary or secondary PSAPs, may be eligible for grant funding for one backup PSAP.

(k) Selective router equipment costs are limited to the primary PSAP system and are limited to one per county.

(l) Any county that requires Board of County Commissioner approval of the grant program funding, prior to commencement of the project, shall notify the E911 Board in Application Form item #10. Grant funds for approved grant applications will be held until the county provides written notification to the E911 Board of the Board of County Commissioners approval of the project prior to the funds being disbursed from the E911 Trust Fund.

(m) Grant funds shall be deposited in an interest bearing account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 State Grant funds in the account shall be accounted for separately from other grantee funds. Accounting shall be consistent with GASB 31 financial reporting. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is authorized by the E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award. Good cause documentation shall include a new project timeline schedule. Grant extensions shall be limited to a maximum of one additional year when approved by the E911 Board.

(n) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and status of the grant project. Quarterly reports shall include an updated Application Form item #12 Budget/Expenditure Report and a completed Appendix III Quarterly Report Form. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. Earned interest shall be reported cumulatively and included with each quarterly report. Updated Grant Budget/Expenditure, Quarterly Report Forms, Request for Change Forms, and Final Report Forms and associated information should be e-mailed to E911Board-ElectronicGrantReports@dms.myflorida.com. The quarterly and final reports will be considered late if not received by the E911 Board Staff prior to the next scheduled E911 Board Meeting after the due date.

(o) At project completion, a final report shall be submitted based on the same reporting periods described in paragraph (3)(n). The County shall determine the final completion date

based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(p) The County's Board of County Commission Chairperson shall be notified when overdue quarterly reports, final document and final reports are not received before the next E911 Board meeting following the month after the end of the quarter in which they are due.

(q) Funding continuance will be based on timely submission of quarterly reports. The county shall remain obligated to return any funds expended that do not comply with the terms and conditions of the grant award.

(r) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, of previous E911 Board grant awards.

(s) Responsibility for property and equipment obtained under a grant cannot be transferred under any circumstances. If a sale or transfer of such property or equipment occurs within five years after a grant ends, funds must be returned to the E911 Board on a pro rata basis.

(t) The amount and availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature. The E911 Board will adjust the funds awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(u) The allowable grant funding for travel expenses is limited to the authorized amounts established in Section 112.061, Florida Statutes, and the Department of Financial Services Guidelines for State Expenditures. Allowable costs for daily per diem shall not exceed \$186.00.

(v) Funding requests must include all necessary costs required for full implementation of the proposed solution including that of any third party. Should the county grant application request or grant award be less than the projected cost of the equipment or service, the county should provide verification of the ability to fund the difference. Pricing submitted cannot be contingent upon "yet to be" determined fees for products and services by the proposer or any other third party required for implementation.

(4)(a) The E911 State Grant program will operate on the following schedule:

(b) Schedule:

1. Counties submit applications: by November 1;
2. E911 Board evaluates applications: November–December;
3. E911 Board votes on applications at regularly scheduled meetings November – December;

- 4. E911 Board sends notification of award and issues checks to counties approved for funding: before January 30;
- 5. Implementation period: One year from receipt of award and funds;
- 6. Expiration of the right to incur costs: Two years from receipt of award and funds.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History—New 12-7-08, Amended 10-27-10, Formerly 60FF-5.003, Amended 8-25-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-12.004
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the disciplinary guidelines to reflect changes in number of CPE hours required.

SUMMARY: The number of CPE hours required 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: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 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 Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(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:

(a) Failure to date plans
(481.221~~(1)~~(a), F.S.

First Offense	Reprimand	\$250 fine
Second Offense	\$500 fine	Probation and \$500 fine
Third Offense	Probation and \$1,000 fine	Suspension and \$5,000 fine

(b) through (t) No change.

(u) Failure by interior designer to obtain continuing education hours
(481.215(3), F.S.)
First Offense

NUMBER OF HOURS	PENALTY
LACKING	
1 to 4 hours	\$250 fine, makeup missing hours plus 5 additional in 90 days of final order
5 to 9 hours	\$500 fine, makeup missing hours plus 10 additional in 120 days of final order
10 to 14 hours	\$750 fine, makeup missing hours plus 15 additional in 150 days of final order
15 to 19 hours	\$1000 fine, makeup missing hours plus 20 additional in 180 days of final order
20 hours	\$1000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed

NUMBER OF HOURS	PENALTY
LACKING	
1 to 4 hours	\$500 fine, makeup missing hours plus 5 additional in 90 days of final order
5 to 9 hours	\$1000 fine, makeup missing hours plus 10 additional in 120 days of final order
10 to 14 hours	\$2000 fine, makeup missing hours plus

15 to 19 hours	15 additional in 150 days of final order \$3000 fine, makeup missing hours plus 20 additional in 180 days of final order
20 hours	\$5000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed
Third Offense NUMBER OF HOURS	PENALTY
LACKING	
5 to 9 hours	\$2000 fine, makeup missing hours plus 5 additional in 90 days of final order
10 to 14 hours	\$3000 fine, makeup missing hours plus 10 additional in 120 days of final order
15 to 19 hours	\$5000 fine, makeup missing hours plus 15 additional in 150 days of final order
20 hours	\$5000 fine, makeup missing hours plus 20 additional in 180 days of final order
	\$5000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed
(v) <u>Failure by architect to obtain continuing education hours (481.215(3), F.S.)</u>	
<u>First Offense NUMBER OF HOURS</u>	<u>PENALTY</u>
<u>LACKING</u>	
<u>1 to 5 hours</u>	<u>\$250 fine, makeup missing hours plus 6 additional in 90 days of final order</u>
<u>6 to 11 hours</u>	<u>\$500 fine, makeup missing hours plus 12 additional in 120 days of final order</u>
<u>12 to 17 hours</u>	<u>\$750 fine, makeup missing hours plus 18 additional in 150 days of final order</u>
<u>18 to 23 hours</u>	<u>\$1000 fine, makeup missing hours plus 24 additional in 180 days of final order</u>
<u>24 hours</u>	<u>\$1000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed</u>
<u>Second Offense NUMBER OF HOURS</u>	<u>PENALTY</u>
<u>LACKING</u>	
<u>1 to 5 hours</u>	<u>\$500 fine, makeup missing hours plus 6 additional in 90 days of final order</u>
<u>6 to 11 hours</u>	<u>\$1000 fine, makeup missing hours plus 12 additional in 120 days of final order</u>
<u>12 to 17 hours</u>	<u>\$2000 fine, makeup missing hours plus 18 additional in 150 days of final order</u>
<u>18 to 23 hours</u>	<u>\$3000 fine, makeup missing hours plus 24 additional in 180 days of final order</u>
<u>24 hours</u>	<u>\$5000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed</u>
<u>Third Offense NUMBER OF HOURS</u>	<u>PENALTY</u>
<u>LACKING</u>	
<u>6 to 11 hours</u>	<u>\$2000 fine, makeup missing hours plus 6 additional in 90 days of final order</u>
<u>12 to 17 hours</u>	<u>\$3000 fine, makeup missing hours plus 12 additional in 120 days of final order</u>
<u>18 to 23 hours</u>	<u>\$5000 fine, makeup missing hours plus 18 additional in 150 days of final order</u>
<u>24 hours</u>	<u>\$5000 fine, makeup missing hours plus 24 additional in 180 days of final order \$5000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed</u>

(v) through (bb) renumbered (w) through (cc) No change.
(3) No change.

Rulemaking Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96, 10-7-99, 6-8-00, 9-10-03, 12-12-04, 7-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 24, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Veterinary Medicine

RULE NO.: RULE TITLE:

61G18-11.002 Examination and Licensure

PURPOSE AND EFFECT: To calibrate the examination
application period and the validity period of the score of the
Laws and Rules Examination referenced in subsection (5) of
this rule.

SUMMARY: Currently, an application for licensure by
examination is valid for only one year at the conclusion of
which one must submit a new application if all requirements
for licensure are not met within said year. This stands in
conflict with the time frame established for the validity of a
score earned on the requisite examination. This proposed
modification eliminates the conflict thereby saving the
resources of both the agency and applicant.

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 this rule at its Board meeting, the
Board, based upon the expertise and experience of its
members, determined that a Statement of Estimated Regulatory
Cost (SERC) was not necessary. No person or interested party
submitted additional information regarding the economic
impact at that time. The Board has determined that this will not
have an adverse impact on small business, or likely increase
regulatory costs in excess of \$200,000 in the aggregate within
1 year after implementation of the rule. These rule
amendments will not require ratification by the Legislature.
Any person who wishes to provide information regarding the

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

RULEMAKING AUTHORITY: 455.217, 474.206, 474.2065, 474.207 FS.

LAW IMPLEMENTED: 455.217, 474.2065, 474.207 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-11.002 Examination and Licensure.

(1) An applicant for any of the required examinations must apply to the Department and pay the appropriate examination fee. An applicant will have completed the requirements of Section 474.207(2)(b), F.S., or be enrolled in the last year of the veterinary medical curriculum of a college of veterinary medicine accredited by the American Veterinary Medical Association's Council on Education. This application will remain valid for twenty four (24) ~~twelve (12)~~ months.

(2) through (6) No change.

Rulemaking Authority 455.217, 474.206, 474.2065, 474.207 FS. Law Implemented 455.217, 474.2065, 474.207 FS. History--New 11-14-79, Amended 5-11-80, 7-9-80, 5-4-81, 12-10-81, 12-5-82, 5-15-83, 11-5-84, 5-7-85, 11-5-85, Formerly 21X-11.02, Amended 3-1-88, 11-24-88, 4-3-89, 4-13-92, 3-30-93, 7-13-93, Formerly 21X-11.002, Amended 7-4-94, 3-20-95, 3-29-95, 5-1-95, 5-27-99, 12-25-05, 6-28-07, 8-29-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NOS.:	RULE TITLES:
61G18-15.0022	Minimum Standards for Permanent Locations Where Agricultural Veterinary Medicine Is Practiced
61G18-15.0025	Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals

PURPOSE AND EFFECT: Rule 61G18-15.0022, F.A.C.: To ensure that expired drugs are not comingled with current drugs in order to avoid the unintentional administration of said expired product. Rule 61G18-15.0025, F.A.C.: To ensure that practitioners are able to euthanize an animal without unnecessary delay in order to humanely reduce suffering in accordance with minimally accepted practices in the industry and to ensure that expired drugs are not comingled with current drugs in order to avoid the unintentional administration of said expired product.

SUMMARY: Rule 61G18-15.0022, F.A.C.: The proposed change specifies that all expired drugs are required to be stored in a designated area or container which is segregated from all other drugs. Rule 61G18-15.0025, F.A.C.: Adds an approved chemical method of euthanasia to the list of items required to be maintained by a mobile veterinary practice for agricultural animals. The proposed change also specifies that all expired drugs are required to be stored in a designated area or container which is segregated from all other drugs.

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 this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. 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: 474.206, 474.215(6) FS.

LAW IMPLEMENTED: 474.215(6) 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-15.0022 Minimum Standards for Permanent Locations Where Agricultural Veterinary Medicine Is Practiced.

Agricultural veterinary medicine is practiced upon livestock as defined by Section 828.23(3), Florida Statutes. Minimum standards for permanent locations where agricultural veterinary medicine is practiced are:

(1) No change.

(2) Interior.

(a) All locations where agricultural veterinary medicine is practiced must have the following:

1. Restroom – clean and orderly.

2. Office:

a. Clean and orderly,

b. Current license displayed.

3. 24 hours telephone service a day for emergencies.

4. Examination areas:

a. Clean and orderly,

b. Lined waste receptacles,

c. Sink and disposable towels (Sinks located in restrooms may not be used to satisfy this standard), and

d. Examination table, if present, must be of a material subject to disinfection.

5. Pharmacy:

a. Clean and orderly,

b. Individual patient or herd/flock records,

c. If controlled substances are on premises, a locking secure cabinet for storage and an accurate controlled substance log.

d. Segregated area or container for the storage of expired drugs.

6. Accessibility to a laboratory.

7. Holding areas shall be capable of sanitation and shall include proper ventilation, sufficient lighting, and be of a size consistent with the welfare of the animal.

8. Garbage and trash disposal:

a. Sanitary cans lined with disposable bags,

b. Effective insect and rodent control.

9. Carcass disposal.

10. Emergency lighting which must include at least a functioning rechargeable battery-operated light.

11. Fire extinguisher, with current inspection.

12. Refrigeration of stored drugs, biologicals, laboratory samples, and other perishable items.

13. Compliance with the requirement of Chapter 64E-16, F.A.C., concerning the handling and disposal of biohazardous waste.

(b) through (c) No change.

(3) No change.

Rulemaking Specific Authority 474.206, 474.215(6) FS. Law Implemented 474.215(6) FS. History–New 7-9-95, Amended 9-18-95, 12-28-95,_____.

61G18-15.0025 Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals.

The following minimum standards shall apply to mobile veterinary medical practices for agricultural animals:

(1) Mobile units utilized by veterinarians:

(a) Shall be clean and orderly.

(b) Shall contain the following:

1. Sterile syringes and needles.

2. Properly stored biologics.

3. Antiseptic intravenous equipment.

4. If controlled substances are on the unit, a locking secure cabinet for storage and an accurate controlled substance log.

5. When surgery is to be performed, the following shall be maintained:

a. Surgical instruments,

b. Access to a means of sterilization,

c. Suture material, and

d. Intravenous equipment.

6. An American Veterinary Medical Association approved chemical method of euthanasia.

7. Segregated area or container for the storage of expired drugs.

(2) through (4) No change.

Rulemaking Authority 474.206, 474.215(6) FS. Law Implemented 474.215(6) FS. History–New 7-4-95, Amended 7-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.:

RULE TITLE:

61G18-18.002

Maintenance of Medical Records

PURPOSE AND EFFECT: To more clearly establish the appropriate amount of time within which medical records shall be created and to make more specific the content of said records.

SUMMARY: This proposed modification removes a less precise term of art with a more specific time frame as related to the creation of medical records subsequent to treatment or examination. Further, the proposal makes more clear the requisite content of said medical records.

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 this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature. 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: 474.206, 474.216 FS.

LAW IMPLEMENTED: 474.216 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-18.002 Maintenance of Medical Records.

(1) through (2) No change.

(3) Medical records shall be contemporaneously written as treatment is provided or within 24 hours from the time of treatment and include the date of each service performed. They shall contain the following information:

Name of owner or agent

Patient identification

Record of any vaccinations administered

Complaint or reason for provision of services

History

Physical examination to include, but not limited to patient weight, temperature, pulse, and respiration

Any present illness or injury noted

Provisional diagnosis or health status determination

(4) In addition, medical records shall contain the following information if these services are provided or occur during the examination or treatment of an animal or animals:

Clinical laboratory reports

Radiographs and their interpretation

Consultation

Treatment – medical, surgical

Hospitalization

Drugs prescribed, administered, or dispensed along with the route, strength, and dosage of the drug and time said drug was administered.

Tissue examination report

Necropsy findings

(5) through (9) No change.

Rulemaking Authority 481.2055 FS. Law Implemented 481.221(4) FS. History–New 1-16-86, Amended 5-16-89, Formerly 21B-18.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.0032

RULE TITLE: Use of Physician Anesthesiologist

PURPOSE AND EFFECT: The Board proposes this rule amendment to relocate the provision on dentists treating patients who have been administered anesthesia by a physician anesthesiologist in the dental outpatient facility.

SUMMARY: The Board proposes this rule amendment to relocate the provision on dentists treating patients who have been administered anesthesia by a physician anesthesiologist in the dental outpatient facility.

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.0032 Use of Physician Anesthesiologist.

(1) General Anesthesia Permit Holders: Pursuant to this rule section and notwithstanding any other rule provisions to the contrary, a dentist who has an active general anesthesia permit, may treat any dental patients in their respective outpatient dental office when the patient has been administered any level of sedation by a physician anesthesiologist. All of the following conditions shall be met:

(a) The physician anesthesiologist is present and is responsible for and performs the administration of anesthetics:

(b) All other requirements relating to staff training, credentials, and use thereof and facility, equipment and supply requirements, mandated by this Chapter for the administration of general anesthesia shall be strictly enforced, regardless of whether the physician anesthesiologists provide or utilize their own mobile equipment or medical supplies.

(2) Pediatric Conscious Sedation Permit Holders: Pursuant to this rule section and notwithstanding any other rule provisions to the contrary, a pediatric dentist, as recognized by the American Dental Association, who has an active pediatric conscious sedation permit may perform dental treatment on

pediatric patients in their respective outpatient dental office under any level of sedation when the anesthesia is performed and administered by a physician anesthesiologist. All of the following conditions shall be met:

(a) A physician anesthesiologist is present and is responsible for and performs the administration of the anesthetics:

(b) The treating pediatric dentist complies with the requirements for maintaining the appropriate facility, equipment and supplies to the level of that which is required for the administration of general anesthesia as enumerated in this Chapter. This mandate is required regardless of whether or not a physician anesthesiologist provides or utilizes their own mobile equipment or medical supplies:

(c) Prior to utilizing the physician anesthesiologist, the treating pediatric dentist's office shall be inspected by a board approved inspector and found to be in full compliance with the facility, equipment, and supply requirements that are equal to or greater than that which is required for the administration of general anesthesia as enumerated in this Chapter:

(d) The treating pediatric dentist must make certain that the required number of staff is present to the level that is required by this chapter for administration of general anesthesia, and that any dental assistants or dental hygienists utilized meet the training and certification requirements for assisting in the administration of general anesthesia as enumerated in this Chapter:

(e) The level of sedation administered shall be any level recognized in this Chapter that is necessary for the pediatric dentist to safely, effectively, and competently perform the necessary dental procedures particular to the respective pediatric patient.

(3) Conscious Sedation Permit Holders: At this time, conscious sedation permit holders may not treat dental patients in their respective outpatient dental office when the anesthesia has been administered by a physician anesthesiologist.

(4) Non-Permit Holders: All provisions of this Chapter relating to the administration of any type of anesthesia or sedation and treatment to sedated patients shall remain in full force and effect. Nothing in this section shall be construed so as to supersede, alter, or vary any prohibitions and mandates applicable to non-sedation permit holding dentists.

Rulemaking Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesia Committee

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
 RULE TITLE: Formulary of Topical Ocular
 Pharmaceutical Agents

PURPOSE AND EFFECT: The Board is adding the drug, Natacyn, to the formulary.

SUMMARY: Addition of a topical ocular pharmaceutical agent.

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: 463.005, 463.0055(2)(a) FS.
 LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the

following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (8)e) No change.
- (9)(a) through (9)(e) No change.
- (f) Natamycin Ophthalmic Suspension 5%.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10, 12-26-10, 7-21-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify language, to update existing penalties, and to set forth additional violations and appropriate penalties.

SUMMARY: The rule amendment will clarify language, to update existing penalties, and to set forth additional violations and appropriate penalties.

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: 456.078, 468.1135(4) FS.
LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 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 Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-7.001 Disciplinary Guidelines.

(1) Purpose. ~~The Legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public.~~ Pursuant to Section 456.079, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part I, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

VIOLATIONS

(a) Procuring or attempting to procure, or renew a license by misrepresentation, bribery, fraud or through an error of the Department or the Board.
(468.1295(1)(a), F.S.);
(456.072(1)(h), F.S.)

RECOMMENDED PENALTIES

First Offense
(a) From suspension to revocation ~~or denial of licensure of the license~~ and an administrative fine of \$10,000.00.

If unintentional then suspension or revocation, or granting licensure with probation to suspension or denial of licensure, and administrative fine of up to \$10,000.00.

~~(2) The range of penalties including any and all in Section 456.072(2), F.S., is:~~

~~(a) Denial of an application for licensure with conditions to be met prior to any re-application.~~

~~(b) Revocation or Permanent Revocation, with no or limited ability to re-apply or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense and costs of investigation and prosecution.~~

~~(d) Issuance of a Letter of concern, remedial education, and/or refund of fees billed.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify to assure protection of the public, including requiring the speech language pathologist or audiologist to attend continuing education courses or to work under the supervision of another licensed speech language pathologist or audiologist.~~

~~(f) Restriction of the authorized scope of practice.~~

~~(3) Any individual who had their license revoked by this Board, and has complied with all of the disciplinary terms and conditions set forth in the final order, shall apply for initial license by satisfying the requirements as specified in Section 468.1185, F.S.~~

~~(2)(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refunds of fees billed and collected from the patient or a third party on behalf of the patient.~~

Second Offense

(a) From suspension to revocation or denial of licensure of the license and an administrative fine of \$10,000.00.

If unintentional then suspension, or revocation or granting licensure with probation to suspension or denial of licensure, or revocation and administrative fine of up to \$10,000.00.

Third Offense

(a) ~~From R~~evocation, or denial of licensure, without the ability to reapply, and an administrative fine of \$10,000.00.

If unintentional then suspension or revocation and administrative fine of up to \$10,000.00.

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| <p>(b) Action taken against license by another jurisdiction. (468.1295(1)(b), F.S.); (456.072(1)(f), F.S.)</p> | <p>(b) Imposition of discipline which would have been if the substantive violation occurred in Florida <u>and an administrative fine ranging from \$5,000.00 to \$10,000.00</u> or for the applicant, <u>from granting licensure with probation or denial of licensure, and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u> up to suspension/denial until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and a \$10,000.00 administrative fine.</p> | <p>(b) Imposition of discipline which would have been if the substantive violation occurred in Florida <u>and a \$10,000.00 administrative fine or for the applicant, from granting licensure with probation or denial of licensure, and a \$10,000.00 administrative fine.</u> up to revocation until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and a \$10,000.00 administrative fine.</p> | <p>(b) Revocation and a \$10,000.00 administrative fine.</p> |
| <p>(c) Guilty of a crime <u>relating directly related</u> to the ability to practice speech pathology or audiology. (468.1295(1)(c), F.S.); (456.072(1)(c)(4), F.S.)</p> | <p>(c) From 6 months probation with conditions to 1 year suspension and an administrative fine ranging from \$1,000.00 to \$5,000.00, or <u>denial of refusal to certify an application</u> for licensure.</p> | <p>(c) From 1 year suspension of the license to revocation and an administrative fine ranging from \$5,000.00 to \$10,000.00, or <u>denial of refusal to certify an application</u> for licensure.</p> | <p><u>(c) Revocation</u></p> |
| <p>(d) Filing a false report or failing to file a report as required. Such reports or records shall include only those which the person is required to make or file as a speech pathologist or audiologist. (468.1295(1)(d), F.S.) <u>(456.072(1)(l), F.S.)</u></p> | <p>(d) From a letter of concern to <u>reprimand to a suspension</u> of the license, and an administrative fine of \$10,000.00.

If unintentional then any of the above and administrative fine of up to \$10,000.00.</p> | <p>(d) From reprimand <u>and suspension to revocation</u> to probation of the license, and an administrative fine of \$10,000.00.

If unintentional then any of the above and administrative fine of up to \$10,000.00.</p> | <p>(d) <u>Revocation</u> From probation to suspension of the license, and an administrative fine of \$10,000.00.

<u>If unintentional, from reprimand and suspension to revocation, and an administrative fine up to \$10,000.00.</u></p> |
| <p>(e) False, deceptive, or misleading advertising. (468.1295(1)(e), F.S.) <u>(456.072(1)(m), F.S.)</u></p> | <p>(e) From a letter of concern to 6 months suspension of the license, and an administrative fine of \$10,000.00.

If unintentional then any of the above and administrative fine of up to \$10,000.00.</p> | <p>(e) From 6 to 9 months suspension of the license, and an administrative fine of \$10,000.00.

If unintentional then any of the above and administrative fine of up to \$10,000.00.</p> | <p>(e) From 9 months suspension to revocation of the license, and an administrative fine of \$10,000.00.</p> |
| <p>(f) No change.</p> | | | |
| <p>(g)1. Violation or repeated violation of Chapter 468, Part I or Chapter 456, F.S., or any rules promulgated pursuant thereto, or a subpoena of the Department. (468.1295(1)(g), (bb), F.S.); (456.072(1)(b), (g), F.S.)</p> | <p>(g)1. From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to <u>\$5,000.00</u> \$3,000.00, or refusal to certify an application for licensure.</p> | <p>(g)1. From probation to revocation of the license, and an administrative fine ranging from <u>\$5,000.00</u> \$3,000.00 to <u>\$7,500.00</u> \$6,000.00, or refusal to certify an application for licensure.</p> | <p>(g)1. From suspension to revocation of the license, and an administrative fine ranging from <u>\$7,500.00</u> \$6,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p> |

2. Violation of a lawful order of the Board or Department.
(468.1295(1)(g), F.S.);
(456.072(1)(q), F.S.)

2. From a letter of concern to reprimand of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00 ~~\$3,000.00~~, or refusal to certify an application for licensure.

2. From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 ~~\$3,000.00~~ to \$7,500.00 ~~\$5,000.00~~, or refusal to certify an application for licensure.

2. From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 ~~\$5,000.00~~ to \$10,000.00, or refusal to certify an application for licensure.

(h) No change.

(i) No change.

(j) No change.

~~(k) Failing to submit to the Board certification of testing and calibration of such equipment as designated by the Board Failure to maintain and have available for inspection by the Agency certification for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year as well as the three (3) years prior.~~
 (468.1295(1)(k), F.S.)

(k) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.

(k) From probation to suspension, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) No change.

(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service or repair of a hearing aid, or use of any other term or title connoting availability of professional services when such use is not accurate.
 (468.1295(1)(m), F.S.);
~~(456.072(1)(i), F.S.)~~

(m) From a letter of concern to probation of the license, and an administrative fine of \$10,000.00.

 If misrepresentation or use of term is negligent or inadvertent then any of the above and an administrative fine of up to \$10,000.00.

(m) From probation to suspension of the license, and an administrative fine of \$10,000.00.

 If misrepresentation or use of term is negligent or inadvertent then any of the above and an administrative fine of up to \$10,000.00.

(m) From suspension to revocation of the license, and an administrative fine of \$10,000.00.

(n) No change.

(o) No change.

(p) No change.

(q) No change.

(r) No change.

(s) No change.

(t) No change.

(u) No change.

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| <p>(v) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.
<u>(468.1295(1)(v), F.S.)</u></p> | <p>(v) Reprimand of the license, and an administrative fine ranging from \$500.00 to \$3,000.00, or refusal to certify an application for licensure.</p> | <p>(v) Probation of the license, and an administrative fine ranging from \$3,000.00 to \$6,000.00, or refusal to certify an application for licensure.</p> | <p>(v) Six month suspension, and an administrative fine ranging from \$6,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p> |
| <p>(w) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.
<u>(468.1295(1)(w), F.S.)</u>
<u>(456.072(1)(o), F.S.)</u></p> | <p>(w) From reprimand to suspension of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p> | <p>(w) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p> | <p>(w) From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</p> |
| <p>(x) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.
<u>(468.1295(1)(x), F.S.)</u>
<u>(456.072(1)(j), F.S.)</u>
Should the violator be an unlicensed person, the Board will request the Department to enter a cease and desist order.</p> | <p>(x) From a reprimand to probation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p> | <p>(x) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p> | <p>(x) From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</p> |
| <p>(y) No change.</p> | | | |
| <p>(z) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to Section 468.1296, F.S.
<u>(468.1295(1)(z), F.S.)</u>
<u>(456.072(1)(v), F.S.)</u></p> | <p>(z) Reprimand and six months suspension to probation or revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p> | <p>(z) From probation and/or suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p> | <p>(z) From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</p> |
| <p>(aa) Impairment under Section 456.076, F.S.
<u>(468.1295(1)(aa), F.S.)</u>
<u>(456.072(1)(z), F.S.)</u></p> | <p>(aa) Referral to Physicians Recovery Network (PRN) up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety or refusal to certify an application for licensure.</p> | <p>(aa) Referral to PRN up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety or refusal to certify an application for licensure.</p> | <p>(aa) Referral to PRN up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety or refusal to certify an application for licensure.</p> |

~~(bb) Violating any provision of this chapter or Chapter 456, F.S., or any rules adopted pursuant thereto. (468.1295(1)(bb), F.S.)~~

~~(bb) From a reprimand to probation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.~~

~~(bb) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.~~

~~(bb) From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.~~

~~(bb)(ee) Violating Section 456.072(1)(gg), F.S., by failing to comply with, failing to successfully complete, or being terminated from an impaired practitioner treatment program. (456.072(1)(hh), F.S.)~~

~~(bb)(ee) From suspension until licensee demonstrates compliance with all terms of the monitoring, or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation. Suspension until compliant up to suspension until compliant with, followed by up to five years probation with conditions.~~

~~(bb)(ee) From suspension until licensee demonstrates compliance with all terms of the monitoring, or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation, and up to \$2,000.00 administrative fine, to revocation. Suspension until compliant followed by up to five years probation with conditions, or revocation.~~

~~(bb)(ee) From suspension until licensee demonstrates compliance with all terms of the monitoring, or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation, and up to \$5,000.00 fine, to revocation suspension until compliant followed by up to five years probation with conditions, or revocation.~~

~~(cc)(dd) Violating Section 456.072(1)(t), F.S., by failing to identify through written notice or orally to a patient the type of license under which the practitioner is practicing or failing to identify the type of license that the practitioner pictured or named in an advertisement for health care services holds. (456.072(1)(t), F.S.)~~

~~(cc)(dd) From a letter of concern to reprimand of the license and an administrative fine ranging from \$250.00 to \$500.00.~~

~~(cc)(dd) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00.~~

~~(cc)(dd) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00.~~

~~(dd) Failing to report to the Board within thirty (30) days after the licensee has been convicted of a crime in any jurisdiction. (456.072(1)(x), F.S.)~~

~~(dd) From a reprimand and an administrative fine up to \$1,000.00.~~

~~(dd) From a reprimand to suspension of license, and an administrative fine up to \$5,000.00.~~

~~(dd) From suspension to revocation of license, and an administrative fine up to \$10,000.00.~~

~~(ee) 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.)~~

~~(ee) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.~~

(ff) 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.)

(ff) From a reprimand to probation of the license, and an administrative fine of \$500.00 to \$1,000.00.

(ff) From a reprimand to suspension of license, and an administrative fine of \$1,000.00 to \$5,000.00.

(ff) From suspension to revocation of license, and an administrative fine of \$5,000.00 to \$10,000.00.

(gg) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.
(456.072(1)(kk), F.S.)

(gg) From a reprimand of the license and an administrative fine up to \$1,000.00 to revocation and a fine up to \$10,000.

(gg) From a reprimand to suspension of license, and an administrative fine up to \$5,000.00 up to revocation and a fine up to \$10,000.

(gg) From suspension to revocation of license, and an administrative fine of \$1,000.00 to \$5,000.00 up to revocation and a fine up to \$10,000.

(hh) 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.)

(hh) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

Rulemaking Specific Authority 456.078, 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS. History—New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended 10-25-00, 4-14-02, 8-22-05, 12-28-05, 8-28-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech Language Pathology and Audiology
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Speech Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION State Board of Education

RULE NO.: 6A-6.0573
RULE TITLE: Industry Certification Process.
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. 15, April 13, 2012 issue of the Florida Administrative Weekly.

Subparagraph (5)(a)4. is amended to read:

(5) Pursuant to Section 1011.62(1), F.S., industry certifications approved by the State Board of Education for inclusion in the final “Industry Certification Funding List” shall be assigned one of the following weights: 0.1, 0.2, or 0.3. The weights shall be determined by values assigned to indicators of rigor and employment value, with 50 percent of the points based on rigor and 50 percent based on employment value. Rigor and employment value each shall be assigned up to three points for a total possible value of six.

(a) Rigor shall be determined by the State Board of Education using the number of instructional hours necessary to earn the industry certification with bonus points assigned for certifications with Gold Standard Career Pathways Industry Certification to Associate in Applied Science (AAS/Associate in Science (AS) Statewide Articulation Agreements approved by the State Board of Education. Instructional hour values shall be determined based on the classroom instructional hours and work experience hours necessary to earn the certification.

1. Classroom instructional hours shall be determined through one of the following methods:

a. Instructional hours identified by the certifying agency or,

b. Alignment of statewide curriculum frameworks to the competencies required for the industry certification based on the review of the Department of Education. This process shall include a review of standards in the curriculum frameworks, as adopted by the State Board of Education in Rule 6A-6.0571, F.A.C., for the secondary and postsecondary programs that align with the certification.