

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

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| RULE NOS.: | RULE TITLES: |
| 5K-4.020 | Food Permits; Requirements and Fees |
| 5K-4.021 | Food Manager Certification |
| 5K-4.033 | Direct Sale Farm Operation |

PURPOSE AND EFFECT: The purpose of this rule development is to provide regulatory and economic relief to small farm operations that produce and sell poultry and egg products. In accordance with the implementing language in House Bill 5001 of the 2010 Legislature, an assessment of small farm operations was completed by the Florida Department of Agriculture and Consumer Services and a report entitled, Small Farms: Recommendations to Minimize Costs While Ensuring Food Safety, was provided to the Senate President and Speaker of the House of Representatives of the Florida Legislature by the Commissioner of Agriculture in January 2011. Since completion and delivery of that report, the Department has worked with interested operators of small farm operations to develop the enclosed proposed rule language that defines a Direct Sale Farm Operation.

The effect of this proposed rule is to define a Direct Sale Farm Operation as a food establishment and set a minimum fee on such operation. Proposed rule language establishes the regulatory parameters for a Direct Sale Farm Operation; specifies that for the purposes of this rule a “farm” has the same meaning as provided in Section 823.14, Florida Statutes; exempts Direct Sale Farm Operators from Food Manager Certification requirements; and, allows for recognition and use of exemptions granted by the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS), provided regulatory specifications are met as required by the USDA. Documents detailing the requirements and specifications for such exemptions are adopted by reference in the proposed rule.

SUBJECT AREA TO BE ADDRESSED: Creation of a new food establishment in rule identified as a Direct Sale Farm Operation including a definition of such operation; establishment of a permit fee; providing the regulatory parameters for such operation; and, allowing for USDA exemptions applicable to such operation.

RULEMAKING AUTHORITY: 500.09, 500.12(1)(b), 500.12(1)(f), 500.12(6), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(6), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15, 570.50(1), (2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
 DATES AND TIMES: August 29, 2012, 2:00 p.m. – 4:00 p.m.; August 31, 2012, 2:00 p.m. – 4:00 p.m.; September 13, 2012, 2:00 p.m. – 4:00 p.m.

PLACES:
 (08/29/12) – The Conner Building, The Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399
 (08/31/12) – The Doyle Conner Building, Division of Plant Industry Auditorium, 1911 S.W. 34 Street, Gainesville, Florida 32608
 (09/13/12) – The Florida Citrus Building, The Florida Room, 500 Third Street N.W., Winter Haven, Florida 33881-3403

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 2 days before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, MS #C18, Tallahassee, FL 32399-1650, telephone number: (850)245-5595. 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 IS: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, MS #C18, Tallahassee, FL 32399-1650, telephone number: (850)245-5595

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (e) No change.

(f) Direct sale farm operation. A farm based food establishment which offers only dressed poultry or whole shell eggs for direct sale to the consumer. No additional processing or food preparation allowed. For purposes of this rule, “farm” has the same meaning as provided in Section 823.14, Florida Statutes.

~~(g)~~ Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.

~~(h)~~ Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.

~~(i)(h)~~ Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.

~~(j)(f)~~ Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons but with no food service or retail food processing.

~~(k)(j)~~ Health food store with food service. A health food store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food, but with no retail food processing.

~~(l)(k)~~ Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 annually.

~~(m)(l)~~ Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

~~(n)(m)~~ Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the grocery sales nor the food service is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

~~(o)(n)~~ Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

~~(p)(o)~~ Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without retail food processing.

~~(q)(p)~~ Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

~~(r)(q)~~ Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.

~~(s)(r)~~ Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

~~(t)(s)~~ Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

~~(u)(t)~~ Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

~~(v)(u)~~ Retail bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for retail sale on the premises.

~~(w)(v)~~ Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

~~(x)(w)~~ Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

~~(y)(x)~~ Salvage store. A retail food store specializing in salvage foods.

~~(z)(y)~~ Seafood market. A retail food store engaged primarily in the sale of seafood. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

~~(aa)(z)~~ Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

~~(bb)(aa)~~ Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

~~(cc)(bb)~~ Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

~~(dd)~~(ee) Tomato Packing House means any establishment that washes, packs, or otherwise treats tomatoes in their unpeeled, natural form before they are marketed.

~~(ee)~~(dd) Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) through (3) No change.

(4)(a) No change.

(b) The following schedule of fees is established for each food permit.

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| Bottling Plant | 385 |
| Bottled Water Plant | 500 |
| Canning Plant | 490 |
| Convenience Store | 330 |
| Convenience Store with Limited Food Service | 430 |
| Convenience Store with Significant Food Service | 475 |
| <u>Direct Sale Farm Operation</u> | <u>100</u> |
| Food Salvage Center | 470 |
| Food Storage Warehouse | 355 |
| Grocery Store | 540 |
| Health Food Store | 300 |
| Health Food Store with Food Service | 415 |
| Limited Sales | 130 |
| Meat Market | 455 |
| Minor Food Outlet | 300 |
| Minor Food Outlet, Only Non-perishable Foods | 190 |
| Minor Food Outlet with Limited Food Service | 415 |
| Minor Food Outlet with Significant Food Service | 470 |
| Mobile Vendor | 300 |
| Packaged Ice Plant | 250 |
| Processor, Other Non-perishable Foods | 335 |
| Processor, Other Perishable Foods | 490 |
| Rabbit or Game Processor | 390 |
| Retail Bakery | 355 |
| Retail Bakery with Food Service | 490 |
| Salvage Store | 470 |
| Seafood Market | 410 |
| Seafood Processor | 520 |
| Semi-permanent Vendor | 195 |
| Supermarket | 650 |
| Tomato Packing House | 100 |
| Wholesale Bakery | 530 |

(5) through (6) No change.

Rulemaking Specific Authority 500.09, 500.12(1)(b), 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15 FS. History–New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04, 11-5-07, 10-28-08, 3-1-09,_____.

5K-4.021 Food Manager Certification.

(1) through (2) No change.

(3) Food establishments shall designate in writing its food manager or managers. The designation shall be posted in a conspicuous place within the food establishment. The following types of food establishments are not required to designate a certified food manager:

(a) Food establishments that are not required to obtain a food permit in accordance with subsections 500.12(1)(a)1.-3., F.S.;

(b) Food establishments that store, sell, or store and sell only pre-packaged, non-potentially hazardous foods that arrive at the food establishment in a pre-packaged state and that are not opened or otherwise further processed by the food establishment;

(c) Food establishments that only process seafood and that are in full compliance with the mandatory HACCP provisions in paragraph 5K-4.002(1)(a), F.A.C.

(d) Tomato packing houses.

(e) Direct sale farm operation.

(4) through (11) No change.

Rulemaking Specific Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History–New 1-11-94, Formerly 5E-6.021, Amended 1-23-97, 5-25-98, 3-1-09,_____.

5K-4.033 Direct Sale Farm Operation.

(1) PURPOSE.

This rule establishes the regulatory parameters for a farm based food establishment, which provides direct sales to consumers only, at the farm location of the permitted operator or at roadside stands, at farmers markets, or at similar open-air market locations where farmers interface directly with the end consumer. Products permitted for direct sale farm operations are limited to whole shell eggs and dressed poultry products only.

(2) REQUIREMENTS – POULTRY.

(a) For purposes of this rule, a poultry grower may slaughter and process, on his or her own premises within the State of Florida, no more than 20,000 birds grown on his or her own farm in a calendar year and be permitted as a direct sale farm operation. This poultry may be sold as human food when the criteria for a *Producer/Grower – 20,000 Limit Exemption* as identified in the *USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act* (revision date April 1, 2006) is met and such exemption is granted by the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS). This exemption must be met in accordance with the *Poultry Product Inspection Act*, Section 464(c)(1)(C) &(c)(3) and *Title 9 Code of Federal Regulations* §381.10(a)(5) and (b)(1) and (2) as administered by the USDA Food Safety Inspection Service and identified in the *USDA Guidance for Determining Whether a*

Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act (revision date April 1, 2006).

(b) Dressed poultry sold or offered for sale by a direct sale farm operation must also meet the applicable requirements of Chapter 583, Florida Statutes and Chapter 5K-5, Florida Administrative Code.

(3) REQUIREMENTS – SHELL EGGS.

(a) For purposes of this rule, a shell egg producer that maintains a flock of laying hens of no more than 1000 birds within any calendar year, on his or her own premises in the State of Florida, for the purpose of producing shell eggs for human consumption, may be permitted as a direct sale farm operation. Shell egg producers with flocks in excess of 1000 laying hens shall be permitted as a shell egg processor and subject to the regulatory requirements of such classification.

(b) A direct sale farm operation that sells or offers for sale shell eggs must also meet the applicable requirements of Chapter 583, Florida Statutes and Chapter 5K-6, Florida Administrative Code.

(4) REQUIREMENTS – GENERAL.

(a) A direct sale farm operation may only sell or offer for sale their products at the permitted farm location, at a roadside stand, at a farmer’s market or at similar open-air market locations where farmers interface directly with the end consumer.

(b) Direct sale farm operation products may only be sold within the State of Florida and may not be sold or offered for sale in interstate commerce.

(c) A direct sale farm operation may not sell or offer for sale direct sale farm products over the internet, by mail order, or at wholesale. Direct sale farm operators may use the internet to advertise and promote their products and receive requests for direct sale farm products that may be picked up for purchase at the permitted farm location, roadside stand, farmer’s market or similar open-air market locations, or by direct delivery to the purchasing consumer.

(d) Inspection of the premises of a direct sale farm operation to determine compliance with this rule will be based upon receipt of complaint or to provide information during the opening inspection.

(f) Only the permitted direct sale farm operator, direct family member or employee of the direct sale farm operation may sell direct sale farm products, deliver products or serve as a sales representative for the permitted direct sale farm operation. No brokers or dealers in agricultural products as defined in Section 604.15(2), F.S., may be used to sell direct sale farm operation products.

(5) MATERIALS ADOPTED BY REFERENCE. All documents and materials referenced in this rule are hereby adopted and incorporated by reference and are available as follows:

(a) The Poultry Products Inspection Act, revision date February 1, 2010, is accessible through the internet on the USDA FSIS website at: <http://www.flrules.org/Gateway/reference>.

(b) Title 9, Volume 1, Parts 1 to 199, Code of Federal Regulations, revised as of January 1, 2000, is available through the internet on the U.S. Government Printing Office via GPO Access website at: <http://www.flrules.org/Gateway/reference>.

(c) The USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act; revision date April 1, 2006, is available through the internet on the USDA FSIS website at: <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History–New _____.

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NO.: | RULE TITLE: |
| 6A-1.09981 | Implementation of Florida’s System of School Improvement and Accountability |

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate a new writing standard for FCAT 2.0 Writing beginning with 2012-13 school year.

SUBJECT AREA TO BE ADDRESSED: FCAT 2.0 Writing.

RULEMAKING AUTHORITY: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: August 24, 2012, 3:00 p.m. – 4:00 p.m.; August 27, 2012, 3:00 p.m. – 4:00 p.m.; and August 28, 2012, 3:00 p.m. – 4:00 p.m.

PLACES: August 24th – JA World Facility, 1130 Coconut Creek Blvd., Coconut Creek, FL 33066; August 27th-Edgewater High School Auditorium, 3100 Edgewater Drive, Orlando, FL 32804; August 28th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, FL 32399, Ed.Croft@fldoe.org. You may submit comments on the Department website at <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate changes on the process of the crediting back of assessment results from students at alternative schools to their home schools. In addition, technical edits need to be made to align the calculation of school improvement ratings more closely with the school grades calculation.

SUBJECT AREA TO BE ADDRESSED: Improvement ratings for alternative schools.

RULEMAKING AUTHORITY: 1008.34, 1008.341 FS.

LAW IMPLEMENTED: 1008.34, 1008.341 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: August 24, 2012, 4:00 p.m. – 5:00 p.m.; August 27, 2012, 4:00 p.m. – 5:00 p.m.; and August 28, 2012, 4:00 p.m. – 5:00 p.m.

PLACES: August 24th – JA World Facility, 1130 Coconut Creek Blvd., Coconut Creek, FL 33066; August 27th – Edgewater High School Auditorium, 3100 Edgewater Drive, Orlando, FL 32804; August 28th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, FL 32399, Ed.Croft@fldoe.org. You may submit comments on the Department website at <https://app1.fldoe.org/rules/default.aspx>

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.010
 RULE TITLE: Reimbursement Contract

PURPOSE AND EFFECT: To discuss proposed amendments to Rule 19-8.010, F.A.C., Reimbursement Contract.

SUBJECT AREA TO BE ADDRESSED: Reimbursement Contract requirements for the 2013/2014 Contract Year.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: August 30, 2012, 9:00 a.m. – 12:00 Noon (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308. Persons who wish to participate by telephone may dial 1(888)670-3525 and enter conference code 7135858151.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1341, tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the number or email listed above

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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| RULE NOS.: | RULE TITLES: |
| 61D-14.022 | Slot Machine, Slot Machine Component, and Progressive System Requirements |
| 61D-14.024 | Logic Compartment |
| 61D-14.044 | Identification of Program Storage Media, and Slot Machine Technical Requirements |

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: These proposed rules will implement a process whereby slot facilities perform the clearing of Random Access Memory (RAM clears) on machines independently while maintaining safeguards that ensure the integrity of the machines.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (f), (g), (h), (i) FS.

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

DATE AND TIME: August 30, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 195, Ft. Lauderdale, Florida 33309

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-32.001
 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language clarifying the requirement of reactivating an inactive license.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.: 61G19-6.0035
 RULE TITLES: Application for Provisional and/or Standard Certification
 61G19-6.015 Inactive Status

PURPOSE AND EFFECT: Rule 61G19-6.0035, F.A.C.: This proposed amendment implements recent statutory change through the addition of fire safety as a recognized category of experience suitable for licensure. Rule 61G19-6.015, F.A.C.: This proposed amendment implements recent statutory changes limiting the amount of continuing education the Department of Business and Professional Regulation and the Boards housed therein may require of licensees who wish to reactivate delinquent or inactive licenses.

SUBJECT AREA TO BE ADDRESSED: Inactive License and Application for Provisional and/or Standard Certification.

RULEMAKING AUTHORITY: 455.271, 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.6.09, 468.627 FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-10.001
 RULE TITLE: Fees: Application, Examination, Certification and Renewal

PURPOSE AND EFFECT: This proposed amendment brings parity to the renewal fees assessed public and private building code administrators, inspectors, and plans examiners.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.217, 468.606 FS.

LAW IMPLEMENTED: 455.217(2), 455.219, 455.271(7), 468.627 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-5.002
 RULE TITLE: Continuing Education Programs
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update the name of the organization identified in the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Programs.

RULEMAKING AUTHORITY: 456.013(6)-(9), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 456.013(6)-(9), 484.047(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
 RULE TITLE: Documentation of Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes to amend the rule language to update the licensure form.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Registration.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.005
 RULE TITLE: Documentation of Eligibility for Registration

PURPOSE AND EFFECT: The Board proposes the amendment to this rule update the form revision date.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Registration.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.115
 RULE TITLE: Requirements for Renewal of Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The Board proposes the creation of this rule to effectuate requirements for renewal of applications.

SUBJECT AREA TO BE ADDRESSED: Requirements for Renewal of Prosthetic or Orthotic Residency or Internship.

RULEMAKING AUTHORITY: 468.803(3) FS.

LAW IMPLEMENTED: 468.803(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce

Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

Section II Proposed Rules

DEPARTMENT OF STATE

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 1-1.008 | Rule Numbering and Rule Titles |
| 1-1.009 | Definitions |
| 1-1.010 | Style and Form for Filing Rules; Certification Accompanying Materials |
| 1-1.011 | Publication of Notices in the Florida Administrative Register (FAR) |

PURPOSE AND EFFECT: The proposed rule will implement Chapter 2012-31, Laws of Florida by replacing the Florida Administrative Weekly with the Florida Administrative Register created by that chapter. It will describe the manner and timing of filing material to be noticed in the online Florida Administrative Register which will be published daily.

SUMMARY: The proposed rule explains that the Florida Administrative Register is published each business day of the year excluding holidays recognized by Section 110.117, F.S. and that notices to be published in the Register must be submitted to the Administrative Code and Register Section by 3:00 p.m. on the business day prior to the business day on which it is to be published in the Register. Notices that would have been published on business days that fall on a holiday will be published in the next business day following the holiday.

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 publication of the Florida Administrative Register does not have a direct or indirect adverse financial impact on small business. It has been determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that 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: 120.55(1)(c) FS.

LAW IMPLEMENTED: 120.55(1)-(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 RULES IS: Liz Cloud, Program Administrator, Administrative Code and Weekly, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6271

THE FULL TEXT OF THE PROPOSED RULES IS:

1-1.008 Rule Numbering and Rule Titles.

(1) A decimal numbering system similar to that used in the Florida Statutes shall be used to designate all rules filed with the Administrative Code and ~~Register Weekly~~ Section, except emergency rules. Emergency Rules are numbered as specified in subsection (2) of this rule.

(a) The Administrative Code and ~~Register Weekly~~ Section of the Department of State shall assign each agency, or closely related group of state agencies, a title number. (Example: The title number assigned to the Department of State is 1).

(b) The following title numbers are assigned to the corresponding agencies:

- 1 – Department of State
- 2 – Department of Legal Affairs
- 3 – Department of Banking and Finance (Transferred to Title 69)
- 4 – Department of Insurance (Transferred to Title 69)
- 5 – Department of Agriculture and Consumer Services
- 6 – Department of Education
- 7 – Department of Business Regulation (Transferred to Title 61)
- 8 – Department of Commerce (Repealed by Section 3, Chapter 96-320, Laws of Florida)
- 9 – Department of Community Affairs
- 10 – Department of Health and Rehabilitative Services (Transferred to Titles 58, 59, 64 and 65)
- 11 – Department of Law Enforcement
- 12 – Department of Revenue
- 13 – Department of General Services (Transferred to Title 60)
- 14 – Department of Transportation
- 15 – Department of Highway Safety and Motor Vehicles
- 16 – Department of Natural Resources (Transferred to Titles 40, 49, 62, 66 and 68)
- 17 – Department of Environmental Regulation (Transferred to Title 62)
- 18 – Board of Trustees of the Internal Improvement Trust Fund