

PURPOSE AND EFFECT: The purpose and effect of this rule amendment effort is to clarify that the program operates as a cost reimbursement program; eliminate unnecessary definitions; and to modify which water bodies are eligible for aquatic plant management funding.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include program funding mechanism, rule definitions, and waters eligible for funding.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22, 403.088 FS.

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

DATES AND TIMES: April 17, 2012, 6:30 p.m. – 8:30 p.m. and April 18, 2012, 6:00 p.m. – 8:00 p.m.

PLACE: University of Florida/IFAS Osceola County Extension Office, 1921 Kissimmee Valley Lane, Kissimmee, FL 34744 (April 17) and Ocala Public Library, 2720 E. Silver Springs Blvd., Ocala, FL 34470 (April 18).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Pinzino, Legal Office, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764, or email anthony.pinzino@myfwc.com. Preliminary text may be obtained from the following website: <http://myfwc.com/media/2095334/AquaticPlantMngmntFunding68F-54.pdf>.

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

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101
RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: The current rule has unnecessary and redundant language in it that is difficult to understand. The purpose and effect of the proposed rule is to strike the redundant language and provide clarity to the rule.

SUMMARY: The proposed rule strikes language that is unnecessary and redundant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the rule change only affects the internal operations of the Department and clarifies the language of a rule. It would not have an impact on small business or the private sector; thus, the rule is not expected to 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: 944.09, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281 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:

33-601.101 Incentive Gain Time.

(1) through (6) No change.

(7) Educational achievement incentive gain time. Upon notification by the education supervisor or regional education program administrator of a recommendation by the Bureau of Institutional Programs, the department shall apply a one time award of 60 additional days of incentive gain time to an inmate who is otherwise eligible and who has successfully completed requirements for and is awarded a general education development certificate or vocational certificate. In order to be eligible for the gain time award, the general education development certificate or vocational certificate must be issued by the Florida Department of Education or the program issuing the certificate must be approved by the Bureau of Institutional Programs in advance of the inmate's enrollment. Inmates assigned to community facilities who earn a general education development certificate or vocational certificate in an on site educational program operated by an outside vendor or provider (state community college, vocational technical center or private institution) who is approved in advance by the Bureau

of Institutional Programs ~~an outsider who is approved by~~ shall be recommended by the regional educational program administrator for incentive gain time for educational achievement. Under no circumstances may an inmate receive more than 60 days gain time for educational attainment pursuant to this section.

(8) No change.

Rulemaking Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.0065, Amended 7-15-09, 4-19-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Cannon, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend inmate uniforms to enable inmates to be issued and wear closed-cell resin shoes, i.e. Croc-style, as a replacement for worn-out canvas shoes.

SUMMARY: The rule on inmate uniform requirements is amended to permit inmates to be issued and wear closed-cell resin, i.e. Croc-style, shoes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 944.09, 945.215 FS.
LAW IMPLEMENTED: 944.09, 945.215 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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.

(a) Class Uniforms will be as follows:

1. The male Class A uniform shall require the following:

a. through g. No change.

h. Footwear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear). Authorized athletic shoes may not, however, be worn for visitation.

2. The female Class A uniform shall require the following:

a. through d. No change.

e. Footwear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear). Authorized athletic shoes may not, however, be worn for visitation.

3. The Class B uniform shall be the same as the Class A uniform with the following modifications:

a. State issued outer shirt is not required,

b. Footwear (includes authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear).

4. The Class C uniform shall require the following:

a. through d. No change.

e. Foot wear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear).

5. through (12) No change.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, 2-6-12,_____.

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: February 9, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-16.001
 RULE TITLE: Scope of Rules

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61-16.001, F.A.C., which was identified during the comprehensive review as not mandated by statute and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established 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: 72.011(2)(b)3. FS.

LAW IMPLEMENTED: 72.011, 72.031 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: Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61-16.001 Scope of Rules.

Rulemaking Specific Authority 72.011(2)(b)3. FS. Law Implemented 72.011, 72.031 FS. History--New 2-19-98, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0150
 RULE TITLE: American Dental Licensing Exam Scores from Other Jurisdiction: Full-time Practice Requirements

PURPOSE AND EFFECT: The Board proposes the creation of this rule to effectuate the mandatory rule promulgation as required by statute.

SUMMARY: The rule sets out the requirements for meeting the mandatory full-time practice requirements for those submitting ADLEX scores that are over 365 days old and that are from a jurisdiction besides Florida.

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), 466.006(4)3.e.(III) FS.

LAW IMPLEMENTED: 466.004, 466.006(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: 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:

64B5-2.0150 American Dental Licensing Exam Scores from an Other Jurisdiction: Full-Time Practice Requirements. The Florida dental clinical or practical examination is currently the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc. The examination shall be administered in Florida and shall be graded by dentists licensed in Florida. An applicant for a dental license in Florida can submit ADLEX scores from a jurisdiction other than Florida if the examination was completed after October 1, 2011. If, however, the passing scores from the ADLEX are over 365 days old, the results will not be recognized unless all criteria below are met.

(1) Applicable Definitions:

(a) Full-time practice – means completing one thousand two hundred (1,200) hours of practice per calendar year; when applicable, the hours shall be broken down to one hundred (100) hours per month.

(b) Month – means thirty (30) days.

(c) Practice – means any combination of the following: 1) Active clinical practice of dentistry providing direct patient care; 2) Full-time practice as a faculty member employed by a dental or dental hygiene school approved by the board or accredited by the American Dental Association Commission on Dental Accreditation; or 3) Full-Time practice as a student at a postgraduate dental education program approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(d) Recognized or Other Jurisdiction – means a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(e) Verified – means the document shall be verified in compliance with Section 92.525, Florida Statutes.

(2) Mandatory Criteria:

The applicant shall meet all of the following criteria.

(a) Compliance with all provisions of Section 466.006(4)3., Florida Statutes. The applicant should carefully review this section of the Florida Statutes.

(b) Provide documentation that the applicant has been consecutively engaged in full-time practice in a recognized jurisdiction for the preceding five (5) years or since initial licensure, if less than five years, prior to the date of application for licensure to the Florida Board of Dentistry.

(3) Mandatory Documentation:

The applicant shall comply with providing the following mandatory documentation.

(a) Full-Time Practice Spreadsheet:

1. The submission of a month-by-month and year-by-year chronological history of the applicant's full-time practice in a spreadsheet format.

2. The spreadsheet shall be headed with the applicant's full legal name and sub-headed "History of Full-Time Practice."

3. Each page shall be sequentially paginated in the lower right hand corner with the applicant's last name followed by a hyphen with an Arabic numeral. (Example: Smith-2, Smith-3, Smith-4, etcetera).

4. The applicant shall verify the Full-Time Practice Spreadsheet by placing at the end of the document, "Under penalties of perjury, I declare that I have read the foregoing History of Full-Time Practice Spreadsheet and that the facts stated in it are true." The applicant shall sign directly under the verification statement and date the document. Reference Section 92.525, Florida Statutes concerning verification of documents.

5. Someone unrelated to the applicant shall verify the Full-Time Practice Spreadsheet, by signing the same document with the same verification clause or by submitting a document (affidavit) verified in compliance with Section 92.525, Florida Statutes. The verified document must attest that the applicant has been engaged in the full-time practice as indicated by the Full-Time Practice Spreadsheet.

(b) Additional Verified Documents:

Each category of full-time practice claimed must be supported by the following documentation, which establishes or supports the spreadsheet submitted. There must be documentation submitted from Category 1 and 2 if applicable.

1. A verified copy of financial or business record documents, reflecting the dates of employment that match the spreadsheet; a verified copy of a patient log or appointment schedule (names of patients shall be redacted to reflect the initials only). The Board will request verified financial billing documents to corroborate the patient log if the Board finds the patient log or appointment schedule lacking credibility.

2. An original and official letter from the dean of the school or program sent directly from the program or school to the Board, that supports that the applicant did engage in full-time practice as a faculty member or as a student which matches the dates month-for-month and year-for-year as listed on the Full-Time Practice Spreadsheet.

3. Any other verified documentation that supports the Full-Time Practice Spreadsheet.

(4) Mandatory Board Appearance and Delays:

(a) It is in the best interest to carefully review all documents submitted for accuracy, authenticity, legibility, and statutory and rule compliance to avoid unnecessary delays, board appearances, or denials.

(b) The Board is authorized to require the applicant and the applicant's witness to appear before the Board to give oral testimony under oath to assess credibility or accuracy of the full-time practice requirements. Section 466.006(4)3.e.(IV), F.S. In addition, the Board can require a mandatory appearance regarding any licensure application and a failure to appear at

one of the next two regularly scheduled meetings shall result in a denial of licensure and will toll the time for ruling on the application. Section 456.013(3), F.S. Finally, any incomplete submission can delay the application process. Section 120.60(1), F.S.

Rulemaking Authority 466.004(4), 466.006(4)3.e.(III). FS. Law Implemented 466.004, 466.006(6) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATES PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012 and March 5, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0152
RULE TITLE: Licenses Granted Based on the American Dental Licensing Exam from Other Jurisdiction: Full-time Practice Requirements

PURPOSE AND EFFECT: The Board proposes the creation of this rule to effectuate the mandatory rule promulgation as required by statute.

SUMMARY: The rule sets out the requirements for meeting the mandatory full-time practice requirements for those relocating to Florida based on ADLEX scores from a jurisdiction other than Florida.

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), 466.006(6)(b)2. FS.

LAW IMPLEMENTED: 466.004, 466.006(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: 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:

64B5-2.0152 Licenses Granted Based on The American Dental Licensing Exam from Other Jurisdiction: Full-Time Practice Requirements.

The Florida dental clinical or practical examination is currently the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc. The examination shall be administered in Florida and shall be graded by dentists licensed in Florida. An applicant for a dental license in Florida can submit ADLEX scores from a jurisdiction other than Florida if the examination was completed after October 1, 2011. Applicants who are relocating to this state based on scores from the ADLEX that was administered in a jurisdiction other than Florida must engage in the full-time practice of dentistry inside the geographical boundaries of this state within the first year of receiving a dental license in Florida. In order to maintain the dental license the licensee must meet the following criteria.

(1) Applicable Definitions:

(a) Full-Time Practice – means completing one thousand two hundred (1,200) hours of practice within the geographical boundaries of Florida within the first year of obtaining a Florida dental license.

(b) Practice – means any combination of the following: 1) Active clinical practice of dentistry providing direct patient care; 2) Full-time practice as a faculty member employed by a dental or dental hygiene school approved by the board or accredited by the American Dental Association Commission on Dental Accreditation; or 3) Full-Time practice as a student at a postgraduate dental education program approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(c) Another or Other Jurisdiction – means another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(d) Full Time Practice Log – means a log the licensee must keep from the initial date of licensure in Florida which documents the daily practice time of the licensee.

(e) Relocating Applicants – means those applicants who are lawfully and currently practicing dentistry in another jurisdiction who apply for licensure in Florida based on the ADLEX administered in another jurisdiction. Lawfully and currently means those applicants that have or had a license to practice dentistry in another jurisdiction within the past six (6) months and those who have practiced the profession in any manner utilizing such license within the past six (6) months, prior to submitting the application for licensure in Florida.

(f) Verified – means the document shall be verified in compliance with Section 92.525, Florida Statutes.

(2) Mandatory Criteria:

The licensee shall meet all of the following criteria.

(a) Compliance with all provisions of Section 466.006(6), Florida Statutes. The dentist should carefully review this section of the Florida Statutes.

(b) Provide documentation that the relocating dentist has been consecutively engaged in full-time practice within the first year of licensure in Florida.

(c) Maintain a Full-Time Practice Log.

(d) A failure to meet the required full-time practice requirements will cause the dental license to expire as enumerated in Section 466.006(6), Florida Statutes.

(3) Mandatory Documentation:

The dentist shall comply with providing the following mandatory documentation.

(a) Full-Time Practice Spreadsheet:

1. The submission of a month-by-month chronological history of the dentist’s full-time practice in a spreadsheet format from the date of initial license in Florida.

2. The spreadsheet shall be headed with the dentist’s full legal name and sub-headed “History of Full-Time Practice.”

3. Each page shall be sequentially paginated in the lower right hand corner with the dentist’s last name followed by a hyphen with an Arabic numeral. (Example: Smith-2, Smith-3, Smith-4, etcetera.)

4. The dentist shall verify the Full-Time Practice Spreadsheet by placing at the end of the document, “Under penalties of perjury, I declare that I have read the foregoing History of Full-Time Practice Spreadsheet and that the facts stated in it are true.” The dentist shall sign directly under the verification statement and date the document. Reference Section 92.525, Florida Statutes concerning verification of documents.

5. Someone unrelated to the dentist shall verify the Full-Time Practice Spreadsheet, by signing the same document with the same verification clause or by submitting a document (affidavit) verified in compliance with Section 92.525, Florida Statutes. The verified document must attest that the dentist has been engaged in the full-time practice as indicated by the Full-Time Practice Spreadsheet.

(b) Additional Verified Documents:

Each category of full-time practice claimed must be supported by the following documentation, which establishes or supports the spreadsheet submitted.

1. A verified copy of financial or business record documents, reflecting the dates of employment that match the spreadsheet; a verified copy of a patient log or appointment schedule (names of patients shall be redacted to reflect initials only). The Board will request verified financial billing documents to corroborate the patient log if the Board finds the patient log or appointment schedule lacking credibility.

2. A verified copy of the Full-Time Practice Log.

3. An original and official letter from the dean of the school or program sent directly from the program or school to the Board, that supports that the dentist did engage in full-time practice as a faculty member or as a student which matches the dates month-for-month and year-for-year as listed on the spreadsheet.

4. Any other verified document that supports the Full-Time Practice Spreadsheet.

(4) Mandatory Submission:

(a) All documentation shall be submitted to the Board office within thirty days prior to the expiration of the first year of practice. The initial day of licensure shall not count. A failure to timely submit all required documentation will lead to the expiration of licensure in compliance with Section 466.006(6)(c), Florida Statutes.

(b) The dentist shall make certain that all submissions are timely, accurate, legible, and authentic to avoid the expiration of the dental licensee. The Board is authorized to require the licensee and the licensees’ witness to appear before the Board and give oral testimony under oath to assess credibility and accuracy.

Rulemaking Authority 466.004(4), 466.006(6)(b)2. FS. Law Implemented 466.004, 466.006(6) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012 and March 5, 2012

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

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.: 64K-1.007

RULE TITLE:

Indicators of Controlled Substance Abuse

PURPOSE AND EFFECT: As required by law, the purpose of this new rule is to establish the criteria indicating that a patient may be abusing controlled substance prescription drugs.

SUMMARY: This rule sets forth the criteria under which an individual may be identified as abusing controlled substance prescription drugs. It authorizes the Program Manager to provide relevant information to the health care practitioners who have prescribed or dispensed controlled substances to that individual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency does not anticipate the need for ratification as the amendment of this rule will not have the adverse impact or regulatory costs in excess of \$1 million in five years as established in Section 120.541(2)(a)1., 2. and 3., F.S.

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

RULEMAKING AUTHORITY: 893.055 FS.

LAW IMPLEMENTED: 893.055(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Program Manager, 4052 Bald Cypress Way, Bin #C16, Tallahassee, Florida 32399-3250, (850)245-4797 or Rebecca_Poston@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64K-1.007 Indicators of Controlled Substance Abuse.

(1) The following behavior indicates controlled substance abuse:

A patient who within a 90-day time period: (1) obtains a prescription for a controlled substance in Schedules II, III, or IV, as defined in Section 893.03, F.S., from more than one prescriber; and (2) is dispensed a controlled substance in Schedules II, III, or IV, as defined in Section 893.03, F.S., from five or more pharmacies.

(2) Upon identifying a patient who exhibits or for whom the behavior outlined in subsection (1) has been exhibited, the Program Manager may provide relevant information to the identified health care practitioners who have prescribed or dispensed controlled substances to the identified patient within the 90-day period.

Rulemaking Authority 893.055 FS. Law Implemented 893.055(2) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston

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

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

| | |
|------------|---|
| RULE NO.: | RULE TITLE: |
| 68B-27.017 | Apalachicola Bay Oyster Harvesting Restrictions |

PURPOSE AND EFFECT: The purpose of this rule amendment is to allow the harvest of oysters seven days a week, year round, in Apalachicola Bay. The Department of Agriculture and Consumer Services (DACS) has recently made rule amendments in response to the national Shellfish Sanitation Program guidelines as it relates to *Vibrio vulnificus*. The amendment significantly reduces the allowable daytime hours for the harvest of oysters. DACS has requested FWC allow the harvest of oysters seven days a week, year round, to make up for the reduced allowable daily harvest time on the water. The effect of this rule would allow for additional days on the water for the harvest of oysters.

SUMMARY: Rule 68B-27.017, F.A.C., (Apalachicola Bay Oyster Harvesting Restrictions) would be amended to remove language that prohibits the harvest of oysters on Friday or Saturday from June 1 through August 31 and on Saturday or Sunday from September 1 through November 15. Language will remain in the existing rule that closes harvest on weekends November 16 through May 31 if the monitoring program determines the resource cannot sustain harvest of 300 bags of oysters per acre.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

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

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

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

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

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

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

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

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

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

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

PROPOSED EFFECTIVE DATE: June 1, 2012.

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

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

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

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

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

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

NOTICE OF CONTINUATION

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