

PLACE: Florida State Fire College, Classroom 105, 11655 N.W. Gainesville Rd., Ocala, FL 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charlie Brush, Safety Programs Manager, Bureau of Fire Standards, Division of State Fire Marshal, Department of Financial Services, 11655 N.W. Gainesville Rd., Ocala, FL 34482, (352)369-2836 or charlie.brush@myfloridacfo.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

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

Section II Proposed Rules

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

RULE NO.: RULE TITLE:
29K-2.006 Preapplication Conference

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rule 29K-2.006, F.A.C., regarding Preapplication Conferences pertaining to Developments of Regional Impact. The effect will be to eliminate this rule.

SUMMARY: Repeal of Rule 29K-2.006, F.A.C., relating to Preapplication Conferences.

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 determination by the Agency staff that the proposed rule's potential economic impact 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: 380.06(7)(a) FS.

LAW IMPLEMENTED: 380.06(7)(a) 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: September 12, 2012, 9:30 a.m.

PLACE: Wolf High Technology Center Indian River State College Chastain Campus, 2400 S.E. Salerno Road, Stuart, FL 34997

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: Ms. Liz Gulick at Treasure Coast Regional Planning Council, phone (772)221-4060, fax (772)221-4067, email lgulick@tcprc.org. 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: Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council, 421 S.W. Camden Ave., Stuart, FL 34994, Telephone: (772)221-4060, email mbusha@tcprc.org

THE FULL TEXT OF THE PROPOSED RULE IS:

29K-2.006 Preapplication Conference.

Rulemaking Specific Authority 380.06(7)(a) FS. Law Implemented 380.06(7)(a) FS. History--New 11-1-82, Formerly 29K-2.06, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael Busha, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Treasure Coast Regional Planning Council

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

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

RULE NO.: RULE TITLE:
29K-3.001 Intergovernmental Coordination and Review Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rule 29K-3.001, F.A.C., relating to Intergovernmental Coordination and Review Procedures and the effect will be to eliminate this rule.

SUMMARY: Repeal of Rule 29K-3.001, F.A.C., relating to Intergovernmental Coordination and Review Procedures.

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 determination by the Agency staff that the proposed rule’s potential economic impact 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: 120.53(1), 163.01 FS.

LAW IMPLEMENTED: 120.53(1), 163.01 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: September 12, 2012, 10:30 a.m.

PLACE: Wolf High Technology Center, Indian River State College Chastain Campus, 2400 S.E. Salerno Road, Stuart, FL 34997

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: Ms. Liz Gulick at Treasure Coast Regional Planning Council, phone (772)221-4060, fax (772)221-4067, email lgulick@tcrpc.org. 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: Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council, 421 S.W. Camden Ave., Stuart, FL 34994, Telephone: (772)221-4060, email mbusha@tcrpc.org

THE FULL TEXT OF THE PROPOSED RULE IS:

29K-3.001 Intergovernmental Coordination and Review Procedures.

Rulemaking Specific Authority 120.53(1), 163.01 FS. Law Implemented 120.53(1), 163.01 FS. History–New 7-14-77, Amended 7-19-84, Formerly 29K-3.01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael Busha, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Treasure Coast Regional Planning Council

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

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.713	Inmate Visiting – Definitions
33-601.731	Suspension of Visiting Privileges
33-601.732	Reinstatement of Suspended Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to revise the rules relating to suspension and reinstatement of visiting privileges. Unused definitions are stricken and incorporated elsewhere within the rule text. New language clarifies the factors the ICT shall consider for suspension of visiting privileges. Two subsections of the rules are combined to create a list of offenses for which a finding of guilt will be considered by the ICT for suspension of visiting privileges. Form NII-102, Visiting Privileges Suspension Matrix, is amended to update suspension timeframes. New language authorizes the regional director to consider visiting suspensions outside the Form NII-102 matrix time frames, including indefinite suspensions, in specific circumstances and the applicable process. The amendments specify the authority of the regional director, warden or designee concerning reinstatement of visiting privileges based on the type and duration of the suspension and factors provided in the rule.

SUMMARY: The amendments strike unused definitions; provide the factors to be considered for suspension of visitation privileges; specify the offenses for which suspension of visiting privileges shall be considered; amend Form NII-102, Visiting Privileges Suspension Matrix; authorize the regional director to suspend visitation for timeframes outside the matrix, including indefinite suspensions, in specific circumstances; clarify the authority of the regional director, warden or designee concerning reinstatement of visiting privileges and the factors to be considered for reinstatement.

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, 944.23, 944.8031 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (2) No change.

(3) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C. The effective date of the form is 10-11.

(4) through (16) No change.

~~(17) “Major Rule Violation” for the purpose of Rules 33-601.713 through 33-601.737, F.A.C., refers to any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.~~

~~(18) Lewd or Lascivious Exhibition—An inmate commits a lewd or lascivious exhibition when the inmate:~~

~~(a) Intentionally masturbates;~~

~~(b) Intentionally exposes the genitals without authorization; or~~

~~(c) Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, 9-8-11, _____.

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) Suspension, ~~including indefinite suspension,~~ of an inmate’s visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken

pursuant to Rules 33-601.301 through 33-601.314, F.A.C. The ICT shall consider the following factors when contemplating a suspension of an inmate’s visitation privileges:

1. Allowing for continued visiting privileges would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of visiting area;

2. The severity of the precipitating conduct/offense(s);

3. The inmate’s placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would on its own result in the appropriate visitation restriction;

4. The suspension of visiting privileges will be a significant detriment to the inmate’s successful reentry into society by hindering maintenance of community and family ties.

(b) ~~Indefinite~~ Suspension of an inmate’s visiting privileges shall be considered by the ICT as a management tool only when an inmate is found guilty of the following offenses:

1. Any major rule violation which occurred during visiting, is visiting-related conduct, or is reasonably connected to the visitation process; as defined as Rule 33-601.713, F.A.C.

2. No change.

3. Possessing any firearms, dangerous weapons, explosives or explosive devices;

4. Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member or visitor;

~~(c) An inmate shall be subject to suspension of visiting privileges by the IOCT as a management tool when the inmate is found guilty of the following disciplinary offenses:~~

5. Participation in a sexual assault or battery;

6.4. Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others);-

7. Participation in an escape or attempted escape;

8. Possession of escape paraphernalia or any other item that presents a threat to the safe and secure operation of the institution;

9. An incident causing death;

10. Any physical assault on staff causing injury or that could have caused injury;

11. The taking of a hostage(s);

12.2. Possessing or passing money;:-

13.3. Possessing or using drugs or refusing to submit to substance abuse testing;:-

14.4. Possessing or using intoxicating beverages;:-

15.5. Possessing a recording device.

6. Violation of visiting rules.

~~(c)(d)~~ The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider suspension of the inmate's visiting privileges pursuant to paragraph (1)(b) of this rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.

~~(d)(e)~~ If an inmate is found guilty of an offense listed in paragraph (1)(b)~~(e)~~, the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NII-102, Visiting Privileges Suspension Matrix, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00539> Form NII-102 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is September, 2014. If an inmate's visiting privileges are suspended pursuant to this rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(b)~~(e)~~, the inmate is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of one two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of one two years from the time of the subsequent offense.

(e) In lieu of suspending an inmate's visiting privileges, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735, F.A.C., for offenses listed in paragraph (1)(b)~~(e)~~.

(f) The regional director shall consider, as a management tool, visiting suspensions outside the timeframe limits of the Visiting Privileges Suspension Matrix, Form NII-102, up to and including indefinite suspensions, for those inmates who have demonstrated through continued behavior to be a chronic and recurring management problem or it has been determined that the inmate committed such an egregious act(s) that threatens the safety of others, threatens the security, order or effective management of the institution, or otherwise demonstrates an inability to respect and honor the visiting privileges bestowed upon him/her. The ICT shall submit a detailed recommendation to the regional director outlining the reasons for its recommendation. The recommendation and the

regional director's decision shall be recorded in the department's electronic inmate database and the inmate will be notified accordingly.

(2)(a) through (b) No change.

(c) If a visitor is determined to have committed ~~found guilty of~~ an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified on Form NII-102, Visiting Privileges Suspension Matrix. If a visitor's visiting privileges are suspended pursuant to this rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows:

1. through 2. No change.

(3) through (4) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11, _____.

33-601.732 Reinstatement of Suspended Visiting Privileges.

(1) The warden or designee shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges except in those cases in which the regional director was the suspending authority. The inmate shall submit a written request for reinstatement to the warden or if applicable, the regional director on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.00549, F.A.C. The effective date of the form is 6-12.

(a) Reinstatement of indefinitely suspended privileges shall only be considered after two years from imposition.

1. The regional director ~~warden or designee~~ shall review the request, render a final decision and notify the inmate concerned.

2. No change.

(b) Privileges suspended for two years or less shall not be considered for reinstatement by the regional director for a period of one year. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

(c) Privileges suspended for one year or less shall not be considered for reinstatement by the warden or designee until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.

(d) The regional director, warden or designee shall consider the following factors in considering whether an inmate's visitation privileges shall be reinstated:

1. through 3. No change.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03, 2-13-12, _____.

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: July 17, 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.: RULE TITLE:
61G1-16.001 Architect’s and Interior Designer’s
Seal

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language regarding the sealing of electronic files and to update language regarding the gender of the licensee.

SUMMARY: Language regarding the gender of the licensee will be updated; language regarding the sealing of electronic files 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: 481.221 FS.

LAW IMPLEMENTED: 481.221 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:

61G1-16.001 Architect’s and Interior Designer’s Seal.

Each architect and interior designer shall acquire a seal with which she or he shall identify all plans, specifications or reports prepared or issued by her or him and filed for public record. The seal shall be of a type which will make an impression on the surface of prints or other duplications of drawings, and, as appropriate, upon specification pages, and other articles of service. Where required, electronic files may be sealed in accordance with Rule 61G1-16.005, F.A.C.

Rulemaking Specific Authority 481.221 FS. Law Implemented 481.221 FS. History–New 12-23-79, Formerly 21B-16.01, Amended 7-27-89, Formerly 21B-16.001, Amended _____.

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: June 29, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-17.001 Professional Fees and Penalties for
Architects

PURPOSE AND EFFECT: The Board proposes the rule amendment to update fees and examination costs.

SUMMARY: Fees and examination costs 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: 455.217(2), 455.2281, 481.207 FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 455.271, 481.207, 481.209, 481.219 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:

61G1-17.001 Professional Fees and Penalties for Architects.

The following fees and penalties are hereby adopted by the Board:

(1) The fee for licensure by initial registration, application and examination shall be \$60.00 total \$1040. Examination will cost as follows:

Division: Pre-Design (PD)	\$ 92
Division: Site Planning (SP)	\$129
Division: Building and Planning (BP)	\$155
Division: Building and Technology (BT)	\$145
Division: General Structures (GS)	\$108
Division: Lateral Forces (LF)	\$79
Division: Mechanical & Electrical Systems (ME)	\$83
Division: Materials and Methods (MM)	\$90
Division: Construction Documents & Services (CD)	\$99
Non-Refundable Application Fee	\$60
Total Cost	\$1040

(2) through (5) No change.

(6) The fee to reactivate an inactive status license (at the normal biennial renewal time) shall be \$100.00. The fee for reactivation from inactive status shall be \$100.00.

(7) No change.

(8) Any applicant who takes the professional examination may, upon payment of \$75 to the Department and any fees required by NCARB, and at a mutually convenient time, examine her or his answers or questions, papers, grades and grading key upon such terms and conditions as set forth by the

Department of Business and Professional Regulation ~~at the office of the Board~~. All such reviews shall be subject to NCARB national and Department testing security requirements in order to insure the integrity of the examination.

(9) No change.

(10) The processing fee for a license status change (active to inactive or inactive to active) at any time during the biennium, other than the normal biennial renewal time shall be \$50.00. This fee is charged when a licensee changes status at any time during the biennium, other than the normal biennial renewal time.

(11) In addition to the regular biennial renewal fee, the fee to renew either an active or inactive status license after the deadline for renewal (and the license has become delinquent) shall be \$125.00. There will be a \$125.00 delinquency fee.

(12) The fee to renew an inactive status license shall be \$75.00. There will be a \$75.00 fee for renewal of an inactive license.

(13) No change.

Rulemaking Specific Authority 455.217(2), 455.2281, 481.207 FS. Law Implemented 455.217(2), 455.2281, 455.271, 481.207, 481.209, 481.219 FS. History—New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 4-17-89, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99, 9-7-04, 10-23-06,_____.

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: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-21.006
 RULE TITLE: Inactive or Delinquent Florida Registered Interior Designers Who Desire to Reactivate

PURPOSE AND EFFECT: The Board proposes the rule amendment to update requirements for reactivating an inactive or delinquent license.

SUMMARY: Requirements for reactivating an inactive or delinquent license 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: 455.271(6), (7), (10), 481.217, 481.2055 FS.

LAW IMPLEMENTED: 455.271(10), 481.217 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:

61G1-21.006 Inactive or Delinquent Florida Registered Interior Designers Who Desire to Reactivate.

(1) No change.

(2) In order to reactivate, an inactive or delinquent licensee must complete at least one renewal cycle of continuing education as specified in Rule 61G1-21.001, F.A.C. ~~meet the same continuing education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.~~ The necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the requirements in the same manner as if the licensee had remained active.

Rulemaking Authority 455.271(6), (7), (10), 481.217, 481.2055 FS. Law Implemented 455.271(10), 481.217 FS. History—New 11-15-93, Amended 8-9-99,_____.

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: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-24.004	Inactive or Delinquent Florida Registered Architects Who Desire to Reactivate

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the requirements for architects to reactivate an inactive or delinquent license.

SUMMARY: Requirements for architects to reactivate an inactive or delinquent license will be provided.

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: 455.271(6), (7), (10), 481.217, 481.2055 FS.

LAW IMPLEMENTED: 455.271(10), 481.217 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:

61G1-24.004 Inactive or Delinquent Florida Registered Architects Who Desire to Reactivate.

(1) Each registered architect who has requested inactive status or has become delinquent and who desires to become an active licensee, shall apply for such reactivation.

(2) In order to reactivate, an inactive or delinquent licensee must complete at least one renewal cycle of continuing education as specified in Rule 61G1-24.001, F.A.C. The necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the requirements in the same manner as if the licensee had remained active.

Rulemaking Authority 455.271(6), (7), (10), 481.217, 481.2055 FS. Law Implemented 455.271(10), 481.217 FS. History—New _____.

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: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-20.047
RULE TITLE: Official Records

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The Commission determined that the rule is 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: During discussion of the economic impact of this rule at its Commission meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not

necessary and that these rule amendments will not require ratification by the Legislature. 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.

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: 475.05 FS.

LAW IMPLEMENTED: 120.53, 475.021 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-20.047 Official Records.

~~The office of the Division Director shall be the custodian of all the Commission's official records except disciplinary actions.~~

Rulemaking Specific Authority 475.05 FS. Law Implemented 120.53, 475.021 FS. History—New 1-1-80, Formerly 21V-20.47, Amended 6-28-93, Formerly 21V-20.047, Amended 11-10-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.006
RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

PURPOSE AND EFFECT: To bring the rule into compliance with current standards for Electrology facilities to clarify existing language for a clear understanding of facility requirements, and to update the application.

SUMMARY: This proposed rule change incorporates recommendations made by the Florida Department of Health, Division of Environmental Health, which previously performed inspections of electrolysis facilities. Inspections are now conducted by the Division of Medical Quality Assurance Investigative Services Unit. Application history questions are clarified.

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 Council meeting, the Council, 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 Council 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: 456.037, 478.43(1), (4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 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: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

- (1) No change.
- (2) Electrology Facility Licensure.
 - (a) No change.

(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, 11/10 ~~11/09~~, entitled "Application for Electrolysis Facility Licensure," effective 11/10 ~~11/09~~, which can be obtained from the Council at The Florida Department of

Health, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256, and available on the web at: <http://www.doh.state.fl.us/mqa>. The applicant must pay a \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity fee.

- (3) Electrology Facility Safety and Sanitary Requirements.
 - (a) through (b) No change.

(c) Electrology facilities shall comply with Section 381.0098, F.S. and Chapter 64E-16, F.A.C.

~~(d)(e) Restroom Toilet and Lavatory~~ Requirements. Each electrology facility shall provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities which shall have at least one toilet and one sink with running water, and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, disposable towels or wall-mounted electric blow dryer and a waste receptacle. The toilet and lavatory facilities and all fixtures and components shall be clean, in good repair, and well-lighted and free from adequately ventilated to remove objectionable odors.

~~(e)(d)~~ No animals shall be allowed to enter or be in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired, or the physically impaired as provided by Section 413.08, F.S.

~~(f)(e)~~ The electrology facility shall have the following equipment:

1. An FDA registered needle-type epilation device in working order;
2. Clean and sterile needles/probes and forceps/tweezers;
3. Needle holder tips;
4. A treatment table or treatment chair with a non-porous surface capable of being disinfected;
5. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;
6. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
7. Single use, disposable towels;
8. A sharps container, as defined in Rule 64E-16.002, F.A.C., Chapter 64E-16 for disposal of used needles/probes;
9. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
10. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;
11. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;
12. If eye shields are used, eye shields capable of being cleaned with disinfectant;

13. Covered containers for sterile needles/probes and forceps/tweezers, ~~which containers are capable of being cleaned and sterilized;~~

14. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use wipes saturated with 70% isopropyl alcohol;

15. ~~Clean, non-sterile materials such as~~ Cotton balls, cotton strips, cotton swabs, gauze pads, ~~or and~~ gauze strips;

16. ~~If~~ Cloth towels which have been are used, they shall be laundered, and sanitized, ~~and which are~~ stored in a closed container or compartment, ~~and there shall be a covered sanitary container for holding used cloth towels;~~

17. A clean covered container for holding used cloth towels.

~~18.17. A sterilizer which shall be either~~ An autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat “glass bead sterilizer” shall not be used for instrument sterilization;

~~19.18. Monthly records of spore destruction test, sterilizer biological test monitoring which shall be made available to the Agency or Department upon request;~~

~~20.19. A holding container for soaking and cleaning contaminated instruments;~~ and

~~21.20. Non-sterile disposable examination gloves.~~

~~(g)(f)~~ An appointment record, which lists the name of each person who has received electrolysis treatment, ~~book~~ shall be maintained ~~and kept~~ on the electrology facility premises ~~which lists the name of each person who has received electrolysis treatment.~~

~~(h)(g)~~ In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. Proof of compliance with all requirements stated in Rule 64B8-51.006, F.A.C.

~~2.1. Proof of certification for~~ of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility.

~~3.2. Proof of certification as Certified Medical Electrologist for all electrologists using laser equipment in the facility.~~

~~4.3. Proof of registration for each~~ of laser device located within the electrology facility as required by Section 501.122, F.S.

5.4. Written designation of laser safety officer.

~~6.5. Appropriate sign on door of laser room.~~

~~7.6. Lock on door of laser room.~~

~~8.7. Protective eyewear for all persons in laser room during operation of laser.~~

~~9.8. Fire extinguisher in vicinity of laser room.~~

~~10.9. Cold water and ice.~~

~~10. At least one piece of properly registered laser equipment located within the electrology facility.~~

(4) Inspections. The Department shall inspect all electrology facilities in the following manner:

(a) All licensed facilities shall be inspected once every two years per biennium.

(b) All facilities applying for initial licensure shall be inspected prior to licensure.

(5) Transfer of Ownership or Location of the Electrology Facility.

(a) No license for an electrology facility may be transferred from the name of the original licensee to another.

(b) The department may approve the transfer of a license from one facility to another ~~An electrology facility license may be transferred from one location to another only upon approval by the Department which approval shall be granted upon compliance with all requirements set out below in subparagraphs 1. through 3. Only the licenses for electrology facilities which have passed the most recent inspection at the original location are eligible for transfer to another location. In order to begin practice at the new location, the electrology facility license holder must first perform all of the following procedures:~~

1. File a completed application for transfer prior to the date of the transfer on forms prescribed ~~by the Department, as referenced in paragraph (2)(b) of this rule, which application must be processed by the Council office;~~

2. Surrender the current license with the application; and \$100 inspection fee.

3. ~~Obtain~~ Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The electrology facility may ~~license holder transferring the license shall be permitted to~~ perform electrolysis in the new facility; ~~only after the application has been processed by the Council office and notification provided to the licensee, prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility, provided the applicant has received notification from the Electrolysis Council that the application has been processed~~ providing. The required inspection must be performed within the 60 day period or electrolysis services must cease until the inspection is performed.

(6) Renewal of Facility Licensure. Facility licensure shall be renewed every two years ~~at the end of each biennium~~ prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license becoming delinquent. If the delinquent licensee does not apply for renewal of the license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for

new licensure. A facility may not operate without a license. To timely renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100.

(7) No change.

Rulemaking Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 478.49, 478.51, 478.55 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02, 6-16-03, 7-29-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-28.011 RULE TITLE: Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish licensure fee requirements for tattoo artists and tattoo establishments as specified in Sections 381.00775-381.00777, F.S., which passed during the 2010 Legislative Session.

SUMMARY: This proposed rule will provide the fee schedule for licensure of tattoo artists, guest tattoo artists, tattoo establishments, temporary tattoo establishments, and reactivation of licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 agency has determined that this rule will have an impact on small business and will increase regulatory costs. The agency prepared a SERC showing that the rules will impact approximately 1,050 tattoo establishments/temporary establishments, 1,800 tattoo artists, and 250 guest artists. Although the estimated regulatory costs total over \$300,000, the industry currently operates with annual expenses over \$600,000. The rule will increase regulatory costs but should decrease the overall costs incurred by the industry. The majority of the businesses operating as tattoo establishments can be categorized as small businesses and will incur minimal costs associated with this rule and the statutory requirements.

These costs should be offset by the elimination of the costs associated with supervision, which was previously required of tattoo establishments. At this time, no alternative proposals have been submitted. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 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: 381.00789 FS.

LAW IMPLEMENTED: 381.00781 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: Gina Vallone-Hood, Acting Environmental Administrator, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710

THE FULL TEXT OF THE PROPOSED RULE IS:

<u>64E-28.011 Fee Schedule.</u>	
<u>(1) Tattoo Artist License and Renewal</u>	<u>\$ 60.00</u>
<u>(2) Guest Tattoo Artist Registration and Re-registration</u>	<u>\$ 35.00</u>
<u>(3) Tattoo Establishment License</u>	<u>\$200.00</u>
<u>(4) Temporary Establishment License</u>	<u>\$200.00</u>
<u>(5) Reactivation of Tattoo Artist License</u>	<u>\$ 25.00</u>
<u>(6) Reactivation of Tattoo Establishment License</u>	<u>\$ 75.00</u>

Rulemaking Authority 381.00789 FS. Law Implemented 381.00781 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gina Vallone-Hood, Acting Environmental Administrator, Bureau of Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June, 29, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.0210	Definitions
65G-4.0211	General Provisions
65G-4.0212	Transition of Individuals to iBudget Florida
65G-4.022	iBudget Cost Plan Development and Approval
65G-4.024	Cost Plan Changes
65G-4.027	Cost Plan Funding and Review

PURPOSE AND EFFECT: The purpose is to implement iBudget Florida as required by Section 393.0662, F.S.

SUMMARY: APD Medicaid Waiver clients are currently served through the Tier Waivers. This Rule provides for the transition of APD clients to a new waiver, iBudget Florida. This Rule provides for definitions, transition to iBudget, iBudget cost plan development, cost plan changes and cost plan funding.

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: 393.0662, 393.501 FS.

LAW IMPLEMENTED: 393.0662 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: Wednesday, August 29, 2012, 9:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

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: Edith Washington, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee,

Florida 32399, (850)488-4257, edith_washington@apd.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 RULES IS: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4257

THE FULL TEXT OF THE PROPOSED RULES IS:

65G-4.0210 Definitions.

(1) ABC: The Allocation, Budgeting, and Contracts information technology system used by the agency to maintain demographic, services, budget, and other data.

(2) Approved cost plan: The document that lists all waiver services that have been authorized by the agency for the individual, including the anticipated cost of each approved waiver service, the provider of the approved service, and information regarding the provision of the approved service. Cost Plan is defined in the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference.

(3) Budget allocation: The amount of funds that has been approved by the agency for an individual to expend for waiver services during a fiscal year.

(4) Budget allocation formula (hereby incorporated by reference as Form APD IB-1): The mathematical equation used as one element of determining an individual's budget allocation. The formula shall include the following information regarding an individual:

(a) Age and living setting based on the current information in ABC for that individual as of the date of commencing calculation of the budget allocation formula.

(b) The individual's Questionnaire for Situational Information (QSI) results from its most recent administration as of the date of beginning calculation of budget allocations.

(5) Current annualized cost plan: The annualized total amount of funding for the approved cost plan immediately prior to the new period for which a budget allocation is being developed.

(6) Draft cost plan: A draft cost plan is a cost plan that is not yet approved by the agency; an approved cost plan is a cost plan that has been approved by the agency.

(7) iBudget Florida: The waiver system under which the Agency for Persons with Disabilities operates the Developmental Disabilities Individual Budgeting Waiver.

(8) Individual: a person with a developmental disability enrolled in iBudget Florida.

(9) Initial budget allocation: The first budget allocation for an individual after his or her enrollment in iBudget Florida.

(10) iBudget Florida web system: The information technology system that specifically supports iBudget Florida and works with the ABC system to process and store information related to iBudget Florida.

(11) Proposed cost plan: The document that lists all waiver services being requested by the individual, the anticipated cost of each waiver service, the proposed provider of the service, and proposed information regarding the provision of the service.

(12) Questionnaire for Situational Information (QSI): An assessment instrument used by APD to determine an individual's needs in the areas of functional, behavioral, and physical status.

(13) Service families: Eight categories that group services related to: Life Skills Development, Supplies and Equipment, Personal Supports, Residential Services, Support Coordination, Therapeutic Supports and Wellness, Transportation and Dental Services.

(14) Significant change: A change of considerable magnitude or considerable effect.

(15) Supplemental funding: Funding granted after the beginning of the fiscal year or the date of the individual's initial budget allocation. Such funding shall be for temporary or permanent changes in service needs or one-time needs.

(16) Support plan: An individualized plan of supports and services designed to meet the needs of an individual enrolled in the waiver. The plan is based on the preferences, interests, talents, attributes and needs of an individual.

(17) Temporary basis: A time period of less than 12 months.

(18) Support coordinator: This term has the same definition as the term "support coordinator" defined in Section 393.063(37), F.S.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.0211 General Provisions.

(1) Services. The services available in iBudget Florida are described in the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference.

(2) The agency will request and review documentation and information necessary to evaluate individuals' service requests. The requested documentation will vary according to the service request and will include the following as applicable: support plans, results from the Questionnaire for Situational Information, documentation from reviews by contracted prior service authorization vendors, cost plans, expenditure history, interviews with the individual and his or her providers and caregivers, prescriptions, data regarding the results of previous therapies and interventions, assessments, and provider documentation required by the Developmental Disabilities

Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference. If the agency ends action on a request due to missing documentation, the deadline for that agency action shall be extended until the documentation is received or the request is denied, whichever is later. Support coordinators shall either cite their efforts to obtain the documentation, or provide the requested documentation, within five (5) calendar days after the date of the agency request for additional documentation. The support coordinator shall respond to a request for documents within fourteen (14) calendar days. If the requested documentation is not submitted to the agency within thirty (30) calendar days the request will be denied.

(3) The iBudget Florida web system screens requests for changes to the approved cost plan to ensure the requirements of these rules and the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, are met. Plans which do not meet the requirements for approval by the web system are reviewed by the agency. Changes failing to meet requirements will be denied.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.0212 Transition of Individuals to iBudget Florida.

(1) An initial budget allocation for each individual transitioning to iBudget Florida is calculated using the budget allocation formula, statutory geographic differentials, current year appropriation, and subsections (2) and (3) of this rule.

(2) During an individual's transition to iBudget Florida from a tier waiver, services that appear on an individual's current authorized cost plan shall be pre-approved by type and intensity to the extent of an individual's budget allocation. The agency will pre-approve those service types which are comparable to those service types previously approved for the individual on the cost plan in place immediately prior to transition to iBudget Florida unless the individual's situation has changed such that he or she no longer qualifies for the service types. The frequency, scope, or duration of such service types is not subject to pre-approval but is determined through the cost plan approval process. Pre-approval of types and intensities of services permits an individual to choose such pre-approved services at the frequency, scope, and duration that can be accommodated within his or her budget allocation on a proposed cost plan for review by the agency. Pre-approval of a service type or intensity does not guarantee that an individual's proposed cost plan containing those services will be approved, nor does it guarantee that the frequency, scope, or duration of pre-approved services listed on the individual's proposed cost plan will be approved. The agency will build a cost plan for any individual who fails to cooperate in developing an iBudget cost plan.

(3) Individuals' initial budget allocations shall be adjusted, if necessary, as provided in this subsection.

(a) No budget allocation will exceed an individual's current annualized cost plan.

(b) In determining the amount of funding for each individual's initial budget allocation, the following will be considered: characteristics based on a needs assessment, age, living setting, availability of natural supports, availability of other state services, third party payors and family circumstances.

(c) In determining an initial amount for extraordinary needs, pursuant to the requirements of 393.0662, the agency will use the sum of the following services: Adult Day Training, Behavior Services, Consumable Medical Supplies, Durable Medical Equipment, In-Home Supports, Nursing Services, Occupational Therapy, Personal Care Assistance, Physical Therapy, Residential Habilitation, Respiratory Therapy, Special Medical Home Care, Supported Employment, Supported Living Coaching, and Waiver Support Coordination.

(d) If, after adjusting for (2)(a)-(c), the initial budget allocation is less than the individual's annualized cost plan, and is within \$1,000 of the current cost plan, the budget allocation will be adjusted to equal the existing cost plan amount.

(e) If an individual experiences a reduction to the individual's own current cost plan, the agency will give the individual an opportunity to discuss the initial budget allocation. Following discussions, if any, the budget allocation shall be finalized and notice of the budget allocation provided to the individual.

(f) Budget allocations are pro-rated as appropriate based on the length of time remaining in the fiscal year at the time of transition.

(g) Once the iBudget cost plan is authorized, an individual may use his or her budget for any services for which he or she meets the criteria in the iBudget Florida handbook and these rules as long as the individual's health and safety needs are met.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.022 iBudget Cost Plan Development and Approval.

(1) Individuals' draft cost plans shall be entered in the iBudget Florida web system by the individual's support coordinator.

(2) Each individual's initial iBudget Florida cost plan shall be reviewed by the agency. Subsequently, the iBudget Florida web system shall screen requests for changes to the approved cost plan to ensure the requirements of these rules and the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, are met. Plans which do not meet the criteria for approval by the web system shall be reviewed by the agency.

(3) For an individual to begin receiving a specific waiver service, that service must have been listed in a cost plan that has been reviewed and approved by the agency, and the service authorization must have been issued to the provider.

(4) Proposed cost plans must detail funding for services essential for health and safety through the entire fiscal year or portion of year the individual is enrolled in iBudget Florida, regardless of when the cost plan is submitted. The total amount of services requested to be authorized for the fiscal year may not exceed the individual's current budget allocation for that fiscal year.

(5) Individuals shall use all available services authorized under the state Medicaid plan, school-based services, private insurance and other benefits, and any other resources that may be available to them before using funds from their budget allocations to pay for support and services. Failure to comply with this subsection shall result in denial of the service request.

(6) Individuals must budget their funds so that their needs are met throughout the plan year. All individuals shall allocate funding each month for waiver support coordination services, which is a required service under the waiver.

(7) No additional funding for individuals' services shall be provided if the need for the additional funding is created by the individual's use of previously approved funds for alternative services rather than those previously-approved services in the individual's initial budget allocation.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.024 Cost Plan Changes.

(1) Cost Plan changes by the individual:

(a) After the individual's initial cost plan is approved, he or she may change his or her approved cost plan provided that such change does not jeopardize the health and safety of the individual.

(b) When changing the approved cost plan, the individual and his or her support coordinator shall ensure that sufficient funding remains allocated for unpaid services that were authorized and rendered prior to the effective date of this change.

(c) Retroactive application of changes to service authorizations is prohibited.

(2) Cost Plan Reductions to Budget Allocations by the agency.

(a) The agency will terminate, reduce, or modify a service when the criteria for receiving the service are no longer met. The agency may review cost plans for compliance with the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, at any time.

(b) The support coordinator shall notify the APD area office within ten (10) calendar days of becoming aware that an individual may no longer meet the criteria in the

Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, for an approved service.

(c) When an individual's situation changes during the fiscal year such that the budget allocation formula would generate a lesser amount of funding (for example, if the individual moves from a licensed residential facility to a family home), the individual's budget allocation will be recalculated as provided in these rules and adjusted on a pro-rata basis to reflect his or her new situation.

(d) If an individual's budget allocation includes additional funding beyond what was determined by the budget allocation formula and the agency determines that the additional funding is no longer necessary, according to this rule, the agency will reduce the individual's budget allocation on a pro-rata basis to the amount actually needed to ensure health and safety.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.027 Cost Plan Funding and Review.

(1) A support coordinator shall submit any requests for supplemental funds on behalf of an individual through the iBudget Florida web system. To receive supplemental funds, individuals shall meet criteria described below as well as the other requirements provided in these rules.

(2) Supplemental funding shall only be requested if the individual is in one or more of the following situations described in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) of this subsection; has sought other resources to meet his or her needs; has attempted to adjust his or her existing cost plan to meet his or her health and safety needs; and is seeking services essential to avoiding institutionalization; but he or she requires an increase to his or her current budget allocation to meet his or her health and safety needs. Credible evidence is required to support an individual's meeting the relevant indicators of the situation.

(a) The individual is currently homeless, which includes but is not limited to living in a homeless shelter, or living with relatives in an unsafe environment. Relevant indicators include:

1. Without immediate provision of additional waiver services, the health and safety of the individual are in serious jeopardy;

2. The individual has no shelter available and needs emergency placement by the Agency or another state agency;

3. Alternative funding or other federal, state, local, community, and other resources are not available for other placement and services to the individual;

4. The individual temporarily is staying with friends or relatives but residence is not expected to last more than several weeks;

5. The individual's caregiver has no legal obligation to provide shelter to the applicant and the caregiver's commitment to shelter the applicant is low;

6. Factors affecting the individual's safety in the current setting include risk of physical abuse of the individual or risk of insufficient supervision and support;

7. The home has insufficient room to shelter the individual, or the individual must share a room in an inappropriate living arrangement, based on the ages, genders, and conditions of the persons sharing the room;

8. The individual's desire for placement creates a reasonable expectation that the individual will be cooperative with placement;

9. Violence or illegal activities within the individual's current living environment by the individual or others have required the intervention of local or state law enforcement authorities;

10. Complaints of neglect, exploitation, or abuse of the individual to Protective Services, or other adverse environmental conditions affecting the individual, have been investigated and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

11. The individual requires services of greater intensity.

(b) The individual has an increase or onset of behaviors that, without provision of immediate waiver services, may create a life-threatening situation for the individual or others, or that may result in bodily harm to the individual or others requiring emergency medical care from a physician. Relevant indicators include:

1. Without an immediate increase in waiver services, the health and safety of the individual or others in the household is in serious jeopardy;

2. The individual's injury to self or others is frequent or intense;

3. The individual or others are at risk for serious injury or permanent damage;

4. There is documentation of medical treatment for the individual's injury to self or others;

5. No other supports are available to address the individual's behaviors;

6. Other attempted behavioral assessments and interventions have proven ineffective;

7. The relative ages, sexes, and sizes of the aggressor and the subjects of aggression place the subjects of aggression at risk of injury;

8. The caregiver has insufficient ability to control the individual;

9. The ages or disabilities of the individual or caregiver exacerbate the problems;

10. Violence or illegal activity within the individual's current living environment by the individual or others has required the intervention of local or state law enforcement authorities;

11. Complaints of neglect, exploitation, or abuse of the individual, or other adverse environmental conditions affecting the individual have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

12. The individual requires services of greater intensity.

(c) The individual's current caregiver is in extreme duress and is no longer able to provide for the applicant's health and safety because of illness, injury, or advanced age. The individual needs immediate waiver services to remain living with the caregiver or to relocate to an alternative living arrangement. Relevant indicators include:

1. Without immediate provision of additional waiver services, the individual's health and safety are in serious jeopardy;

2. Other potential caregivers, such as another parent, stepparent, brother, sister or other relative or person, are unavailable or are unwilling or unable to provide care;

3. The caregiver's physical or mental condition prevents the provision of adequate care;

4. The caregiver is deceased, facing imminent death, or permanently disabled;

5. The caregiver's age impairs the caregiver's ability to provide sufficient care to the individual;

6. The caregiver cannot provide sufficient care because of the age or size of the individual, or the physical, functional, or behavioral demands of the individual;

7. The caregiver's economic situation is unstable and unlikely to improve as a result of the care-giving demands of the individual;

8. The caregiver's obligations to the needs of other dependents prevent the caregiver from providing the individual with adequate care, or the caregiver's obligation of care to the individual places other dependents at risk of insufficient care;

9. Violence or illegal activities within the individual's current living environment by the individual or others has required intervention by local or state law enforcement authorities;

10. Complaints of neglect, exploitation, or abuse of the individual, or other adverse environmental conditions affecting the individual have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

11. The individual requires services of greater intensity.

(d) A change in age that will result in a loss of services funded or otherwise provided from sources other than the waiver, such as the Medicaid State Plan or the school system.

(e) The individual experiences a documented significant change in medical or functional status that would necessitate increased service utilization or a need for a more costly service. Examples of such changes are:

1. A deterioration in medical condition that requires that the individual receive services at a greater intensity or in a different setting to ensure that individual's health or safety; or

2. Onset of a health, environmental, behavioral, or medical condition that requires that the individual receive services at a greater intensity or in a different setting to ensure the individual's health or safety.

(f) The individual has documented serious, acute dental needs requiring prompt attention.

(g) The durable medical equipment used by the individual has reached the end of its useful life or is damaged, or the individual's functional or physical status has changed enough to require the use of waiver-funded durable medical equipment that had not previously been used; and the individual cannot fund the entire amount of the purchase from his or her budget allocation without jeopardizing health and safety.

(3) To ensure that limited supplemental funding targeted to those individuals most in need:

(a) Whenever an individual requests supplemental funding, a proposed cost plan shall be submitted indicating how the current budget allocation and requested supplemental funds would be used. Documentation of attempts to locate natural or community supports, third-party payers, or other sources of support to meet the individual's health and safety needs must be submitted before the agency may review the request.

(b) The maximum amount of supplemental funds that may be granted to an individual is that amount required beyond the individual's current budget allocation to meet the individual's health and safety needs that are not able to be adequately met through other sources of support.

(c) Supplemental funds may be approved for a specific time period and for specific supports and services and, if so, may not be used outside of this time period or for another purpose without agency approval. If after 90 calendar days supplemental funds have not been used and will not be needed to meet health and safety needs, the unused funds may be removed from the individual's budget allocation.

(d) The services for which the supplemental funding is being specifically requested, as well as all other waiver-paid services on the proposed cost plan, must only be for the purpose of meeting health and safety needs.

(e) To avoid risks to health and safety while allowing budget flexibility, individuals shall not receive supplemental funding in situations when the need could be addressed by rebudgeting funds from services that are funded in excess of their health and safety needs or are not essential for health and safety, to services that would meet the need for which supplemental funding is requested.

(f) Supplemental funding may not be provided for purposes including but not limited to: addressing temporary loss of support from a caregiver due to reasons including but not limited to caregiver vacation, general respite needs, or accommodating caregiver work schedules; accommodating a preference for a more intense level of service when a less intense level of service will meet health and safety needs; when an individual has a single incident or a minor change in circumstance which does not jeopardize health and safety; routine dental procedures; solely for the convenience of the caregiver; or due to provider scheduling issues.

(4) If the individual wishes to move to a more expensive living setting and the individual does not meet the criteria for supplemental funding, the agency shall not increase the individual's budget allocation. The individual may move if he or she first demonstrates to the agency that he or she has sufficient remaining funding in his or her budget allocation to meet his or her health and safety needs based on both his or her current and foreseeable future situation in the new setting for the remainder of the current fiscal year, and that he or she could also meet his or her health and safety needs on an annualized basis thereafter based on the individual's current budget allocation.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Agency for Persons with Disabilities
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael P. Hansen
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-42.001	Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species"
68B-42.002	Definitions
68B-42.004	Size Limits
68B-42.005	Recreational Bag Limit
68B-42.006	Commercial Season, Harvest Limits
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals Sea Fans, and Non-erect, Encrusting Octocorals; Exception

PURPOSE AND EFFECT: The primary purpose of this rule amendment is to protect the giant Caribbean sea anemone (*Condylactis gigantea*) from further harvest and allow the

population to rebuild to the point that sustainable harvest can resume. Life history characteristics for the giant Caribbean sea anemone make it susceptible to overharvest and localized extinction, and both industry reports and commercial landings data indicate the numbers have declined substantially. The intent of the Commission is to temporarily eliminate harvest of giant Caribbean sea anemone in order to allow population numbers to recover, and consider options for future management within three years. Additionally the rule amendment would correct previous errors and omissions in the rule and clarify aspects of the rule which may be a source of confusion. These corrections would require that recreational angelfish and butterfly fish collectors abide by the size limits currently applied to the commercial sector and clarify that all collectors of hybrid angelfishes must abide by the angelfish size limits. The application of these size limits to all sectors and species would provide additional protections for both very small and large, breeding-size angelfishes and butterfly fishes, and aid law enforcement. The amendment would also remove the non-ornamental species sand perch, dwarf sand perch and unicorn filefish from the definition of "marine life," in order to allow hook and line fishers to harvest them legally by traditional methods for use as bait and food. The definition of snapping shrimp would be expanded to include all species in the family Alpheidae in order to incorporate all snapping shrimp species collected by the marine life industry in the provisions of the rule. Black corals would be added to the prohibitions on marine corals. The rule would also clarify that that the protections provided to live rock extend to reef structures built by sabellarid tube worms.

The primary effect of this rule would be to protect the giant Caribbean sea anemone from harvest in state and federal waters off Florida until the Commission approves reinstating a bag limit. Additional effects would be to implement consistent size limits for recreational and commercial collectors of angelfishes and butterfly fishes in state and federal waters, and to require that hybrid angelfishes harvested from state and federal waters meet the current commercial size limits for other angelfish species. Sand perch, dwarf sand perch and unicorn filefish would be deregulated with respect to the marine life rule and would be subject only to provisions of Florida Statute as applied to otherwise unregulated marine species. Species of snapping shrimp outside of the genus *Alpheus*, but within the family Alpheidae would be included in the definition of "marine life", and therefore subject to the provisions of Chapter 68B-42, F.A.C. Black corals of the family Antipatharia would be included in the prohibitions on the taking, destruction and sale of marine corals from state waters, and it would be clearly stated in rule that the harvest of reef structures built by sabellarid tube worms is prohibited in or from state and federal waters.

SUMMARY: Rule 68B-42.001, F.A.C., (Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species") would be amended to remove sand perch, dwarf sand

perch and unicorn filefish from the definition of “marine life species”, effectively deregulating these species. Rule 68B-42.002, F.A.C., would be modified to clarify the reefs created by tube worms of the Family Sabellariidae are included in the definition of “live rock”, and thus harvest of these reefs is prohibited. Rule 68B-42.004, F.A.C., would be amended by applying the existing size limits for commercial harvest of angelfish and butterfly fish species to recreational harvesters and to clarify the current angelfish size limits also apply to hybrid forms. Rules 68B-42.005 (Recreational Bag Limits) and 68B-42.006, F.A.C., (Commercial Season, Harvest Limits) would be amended to reduce the recreational and commercial bag limits for the giant Caribbean sea anemone (Genus *Condylactis*) to zero (0). The Commission would consider reinstating bag limits after a 3-year closure. Rule 68B-42.009, F.A.C., would be amended to include black corals in the current prohibition on marine corals.

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.

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

DATES AND TIME: During the Commission’s regular meeting September 5-6, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida 33607

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 RULES 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 RULES IS:

68B-42.001 Purpose and Intent; Designation of Restricted Species; Definition of “Marine Life Species”.

(1) No change.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 379.101(32), F.S.:

(a) through (i) No change.

(j) Hamlet/seabass – Any species of the Family Serranidae, except groupers of the genera *Epinephalus* and *Mycteroperca*, seabass of the genus *Centropristis*, and longtail bass, *Hemanthias leptus*, sand perch, *Diplectrum formosum*, and dwarf sand perch, *Diplectrum bivittatum*.

(k) through (aa) No change.

(bb) Filefish/triggerfish – Any species of the Family Balistidae, except gray triggerfish, *Balistes capriscus*, and ocean triggerfish, *Canthidermis sufflamen*, and unicorn filefish, *Aluterus monoceros*.

(cc) through (hh) No change.

(3) The following invertebrate species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 379.101(32), F.S.:

(a) through (j) No change.

(k) Shrimp – Any of the following species:

1. through 2. No change.

3. Snapping shrimp – Any species of the Family Alpheidae ~~Genus *Alpheus*.~~

(l) through (v) No change.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: November 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, Amended 10-7-01, 7-1-09, 11-1-12.

68B-42.002 Definitions.

As used in this rule chapter:

(1) through (11) No change.

(12) “Live rock” means rock with living marine organisms attached to it and includes any formations created by tube worms of the family Sabellariidae.

(13) through (20) No change.

PROPOSED EFFECTIVE DATE: November 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05, 7-1-06, 7-1-09, 10-31-11, 11-1-12.

68B-42.004 Size Limits.

(1) No change.

(2) Angelfishes:

(a) No person ~~harvesting for commercial purposes~~ shall harvest, possess, or land any of the following species of angelfish (Family Pomacanthidae), of total length outside of the limits specified below:

1. A minimum of one-and-one-half (1 1/2) inches and a maximum of eight (8) inches for any species (including hybrids) of the Genus Pomacanthus:-

a. ~~Gray angelfish (*Pomacanthus arcuatus*).~~

b. ~~French angelfish (*Pomacanthus paru*).~~

2. A minimum of one-and-three-quarters (1 3/4) inches and a maximum of eight (8) inches for species (including hybrids) of the Genus Holacanthus, except for the species rock beauty (*Holacanthus tricolor*):-

a. ~~Blue angelfish (*Holacanthus bermudensis*).~~

b. ~~Queen angelfish (*Holacanthus ciliaris*).~~

3. No change.

(b) No change.

(3) Butterflyfishes :-

(a) No person ~~harvesting for commercial purposes~~ shall harvest, possess, or land any butterflyfish (Family Chaetodontidae) of total length less than one (1) inch or greater than 4 inches.

(b) ~~No person shall harvest, possess, or land any butterflyfish of total length greater than 4 inches.~~

(4) through (9) No change.

PROPOSED EFFECTIVE DATE: November 1, 2012

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.004, Amended 6-1-99, 7-1-09, 10-31-11, 11-1-12.

68B-42.005 Recreational Bag Limit.

(1) through (8) No change.

(9) No person shall harvest, possess, or land giant Caribbean or “pink-tipped” anemones (Genus Condylactis).

PROPOSED EFFECTIVE DATE: November 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 1-1-95, Formerly 46-42.005, Amended 7-1-09, 10-31-11, 11-1-12.

68B-42.006 Commercial Season, Harvest Limits.

(1) through (2) No change.

(3) Persons harvesting tropical ornamental marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess, or land tropical ornamental marine life species in excess of the following limits:

(a) through (f) No change.

(g) A limit of zero (0) ~~200~~ giant Caribbean or “pink-tipped” anemones (Genus *Condylactis*) per unique saltwater product license number bearing a unique marine life endorsement number with a maximum possession limit of zero (0) ~~400~~ aboard a vessel at any time with two unique marine life endorsement numbers aboard.

(h) through (n) No change.

PROPOSED EFFECTIVE DATE: November 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, Formerly 46-42.006, Amended 6-1-99, 2-28-02, 7-1-09, 10-31-11, 11-1-12.

68B-42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals Sea Fans, and Non-erect, Encrusting Octocorals; Exception.

(1) Except as provided in subsection (2), no person shall take, attempt to take, or otherwise destroy, or sell, or attempt to sell, any sea fan of the species *Gorgonia flabellum* or of the species *Gorgonia ventalina*, or any hard or stony coral (Order Scleractinia), any black coral (Order Antipatharia), or any fire coral (Genus *Millepora*). No person shall possess any such fresh, uncleaned, or uncured sea fan, hard or stony coral, black coral, or fire coral. No person shall harvest or possess any non-erect, encrusting species of the Subclass Octocorallia within or without state waters.

(2) No change.

PROPOSED EFFECTIVE DATE: November 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-95, Amended 7-15-96, Formerly 46-42.009, Amended 7-1-09, 10-31-11, 11-1-12.

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: June 28, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 22, 2011

DATE AND TIME: August 27, 2012, 9:30 a.m.
 PLACE: Room 102, Hartman Building, 2012 Capital Circle
 S.E., Tallahassee, Florida
 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: Pam Macon at (850)413-1708 or
 Pamela.Macon@MyFloridaCFO.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).

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-5.217
 RULE TITLE: Civil Penalties and Fines

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Pam Macon, Chief, Bureau of
 Monitoring and Audit, Division of Workers’ Compensation,
 2012 Capital Circle S.E., Tallahassee, Florida 32399,
 (850)413-1708

PURPOSE AND EFFECT: The proposed amendment will
 reduce the daily penalty for delinquent forms, reports and
 documents imposed by subparagraph 69L-5.217(1)(a)4.,
 F.A.C.

THE FULL TEXT OF THE PROPOSED RULE IS:

SUMMARY: The proposed amendment will reduce the amount
 of the penalty imposed by subparagraph 69L-5.217(1)(a)4.,
 F.A.C., for delinquent forms, reports and documents from \$200
 per day to \$100 per day.

- 69L-5.217 Civil Penalties and Fines.
- (1) No change.
 - (a) Late filed forms, reports, and documents required
 pursuant to this rule shall be penalized as follows:
 - 1. \$100 for filings 1 to 14 days late.
 - 2. \$500 for filings 15 to 30 days late.
 - 3. \$1,000 for filings 31 to 60 days late.
 - 4. For periods greater than sixty (60) days, ~~\$100~~ \$100 per
 day from the required filing date. Total penalties assessed
 under this section for a single late filed form, report, or
 document shall not exceed \$10,000.
 - (b) through (c) No change.
 - (2) through (6) No change.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COSTS AND LEGISLATIVE
 RATIFICATION:

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2),
 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3),
 (6), 440.525 FS. History—New 3-9-10, Amended 12-29-11, _____.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pam Macon, Chief, Bureau of Monitoring and Audit, Division
 of Workers’ Compensation, 2012 Capital Circle S.E.,
 Tallahassee, Florida 32399, (850)413-1708

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 economic analysis of the
 proposed rule’s potential impact and determined that there will
 be no adverse economic impact or regulatory increases that
 would require legislative ratification.

NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Jeff Atwater, Chief Financial Officer,
 Department of Financial Services

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.

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

RULEMAKING AUTHORITY: 440.38(1), (2), (3),
 440.385(6), 440.525(2), 440.591 FS.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 25, 2012

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3),
 (6), 440.525 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):