

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-1.099821

RULE TITLE:

Voluntary Prekindergarten (VPK)
Provider Kindergarten Readiness
Rate

PURPOSE AND EFFECT: The purpose of this rule development is to adopt procedures for the Department to calculate each Voluntary Prekindergarten (VPK) Provider's 2008-09 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2008-09 school year and who are administered the statewide kindergarten screening during the 2009-10 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten provider readiness rates.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Provider Readiness Rates.

RULEMAKING AUTHORITY: 1002.73 FS.

LAW IMPLEMENTED: 1002.69 FS.

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

DATES AND TIMES: August 24, 2009, 4:00 p.m. – 7:00 p.m.; August 26, 2009, 4:00 p.m. – 7:00 p.m.; September 1, 2009, 4:00 p.m. – 7:00 p.m.; September 2, 2009, 3:30 p.m. – 5:30 p.m.; September 3, 2009, 2:00 p.m. – 5:00 p.m. (CST).

PLACES: August 24, 2009, St. John the Apostle School, 479 E. 4th Ave., Hialeah, FL; August 26, 2009, Child Services Council, 10 S.E. Central Pkwy., Suite 400, Stuart, FL; September 1, 2009, Florida State College at Jacksonville, 101 W. State St., Jacksonville, FL; September 2, 2009, Work Force, 1392 E. Vine St., Kissimmee, FL; September 3, 2009, Panhandle Area Education Consortium, 753 W. Boulevard, Chipley, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shan Goff, Executive Director, Office of Early Learning, Florida Department of Education, 325 West Gaines Street, Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) No change.

~~(2) Kindergarten Screening. In addition to the administration of the kindergarten screening measures adopted by the Department of Education, school districts shall also administer the Letter Naming Fluency Measure of the Indicadores Dinámicos del Éxito en la Lectura (IDEL) to public school kindergarten students whose native language is Spanish and who answered "yes" to at least two (2) questions on the Home Language Survey.~~

~~(2)(3)~~ Accuracy of Data.

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection ~~(4)(5)~~ of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph ~~(3)(4)~~(a)1. of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within 21 days after publication of the cumulative list on the Department's website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection ~~(4)(5)~~ of this rule.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website or if a private provider disputes ownership at the time of the ~~2008-09~~ ~~2007-08~~ VPK program, the provider may file a dispute on the Department's website and submit documentation to the Department for its review and consideration within 14 days after publication of the preliminary rate. The Department shall review and accept or reject any changes to the data within 21 ~~14~~ days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described

in subsection ~~(4)(5)~~ of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

~~(3)(4)~~ Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for 2008-09 ~~2007-08~~.

(a) After the conclusion of the review of the data described in subsection ~~(2)(3)~~ of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. through (b) No change.

~~(4)(5)~~ Procedures for Calculating the VPK Provider Kindergarten Readiness Rate for 2008-09 ~~2006-07~~.

(a) through (b) No change.

(c) The VPK Provider Kindergarten Readiness Rate shall be the sum of the "Percent of Children Ready for Kindergarten" on each screening measure with a maximum of two hundred (200) ~~three hundred (300)~~ points.

(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

	Screening Measure #1	Screening Measure #2	Screening Measure #3
Children Ready for Kindergarten	22	15	42
Children Screened	22	20	20
Percent of Children Ready for Kindergarten	100	75	60
VPK Provider Readiness Rate		175	235

~~(e) For children who also participated in the Letter Naming Fluency Measure of the Indicadores Dinamicos del Exito en la Lectura (IDEL), as described in subsection (2) of this rule, the higher of the two (2) Letter Naming Fluency Measures shall be used to calculate the "Percent of Children Ready for Kindergarten" as described in paragraph (5)(d) of this rule.~~

~~(e)(f)~~ All providers shall be ranked according to their final score.

~~(5)(6)~~ VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

~~(6)(7)~~ Low Performing VPK Providers. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider and acknowledge such designation on the Department's website within 21 days of the State Board of Education's adoption of the minimum readiness rate.

Rulemaking Specific Authority 1002.73(2)(d) FS. Law Implemented 1002.69(5), (6) FS. History--New 6-3-07, Amended 1-16-08, 1-5-09, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-6.05281

RULE TITLE:

Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, or Day Treatment Programs

PURPOSE AND EFFECT: The purpose of this rule development is to revise the rule that addresses educational programs for youth in Department of Juvenile Justice detention, commitment, day treatment, or early delinquency intervention programs. The effect will be a rule that addresses curricular flexibility for youth within these programs.

SUBJECT AREA TO BE ADDRESSED: Develop curricular flexibility options without compromising students' educational needs.

RULEMAKING AUTHORITY: 1003.51, 1003.52 FS.

LAW IMPLEMENTED: 1003.51, 1003.52 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, or Day Treatment, ~~or Early Delinquency Intervention~~ Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

(1) Student Eligibility.

(a) Students who do not attend a local public school due to their placement in a DJJ detention, commitment, or day treatment, ~~or early delinquency intervention~~ program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.

(b) through (d) No change.

(2) Student Records.

(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 1003.25, F.S. The content of these records shall be as defined in subsections 6A-1.0955(2)-(5) and 6A-1.0014(2), F.A.C., Section 1003.51, F.S., and paragraph (5)(d) of this rule.

(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in paragraph 6A-1.0955(7)(b) and subsection 6A-1.0014(2), F.A.C. ~~Beginning with the 2000-2001 school year, Each school district shall provide these students' educational records no later than five (5) school days after the receipt of the request. Each school district shall make available a copy of the student's transcript record, including pertinent exceptional student education information, to designated DJJ staff for inclusion in the DJJ file when the student exits the program. DJJ staff shall provide this information to the receiving school district.~~

(c) No change.

(3) Student Assessment.

(a) To ensure high quality and effective educational programs for youth in DJJ detention, commitment, or day treatment, ~~or early delinquency intervention~~ programs, the school district shall provide for the review of the student's educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students' functioning levels, provide appropriate educational programs, and report the learning gains of the student.

(b) All students in DJJ commitment; or day treatment; ~~or early delinquency intervention~~ programs, who have not graduated from school, shall be assessed within ten (10) school days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:

- a. Reading,
- b. Mathematics,
- c. Writing.

2. Vocational interest and/or aptitude measures.

(c) For the students referenced in paragraph (3)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.

(d) Students placed in a detention center shall be assessed within ten (10) school days ~~only~~ upon entry for academic measures.

(e) No change.

(f) All students in DJJ detention, commitment, or day treatment, ~~or early delinquency intervention~~ programs shall also participate in the state and district-wide assessments required by Sections 1008.22, 1008.25, 1003.43, and 1003.438, F.S.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures shall include at a minimum standard scores for each academic area assessed.

(h) ~~Beginning in the 2000-2001 school year, The~~ Department of Education shall include the results of these assessments in applicable statewide and school reports.

(4) Individual Academic Plans.

(a) An individual plan for educational progress shall be developed within twenty-two (22) school calendar days of student entry to DJJ detention programs and within fifteen (15) school days of entry to DJJ commitment, or day treatment, ~~or early delinquency intervention~~ programs. This plan shall be based upon the student's entry assessments and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include:

1. Specific and individualized long-term goals and short-term instructional academic and career vocational/technical objectives;

2. Remedial strategies and/or tutorial instruction;

3. Evaluation procedures;

4. A schedule for determining progress toward meeting the goals and instructional and career vocational/technical objectives.

(b) Progress monitoring plans, required by Section 1008.25, F.S., or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) Transition Services.

(a) For all students in DJJ commitment; or day treatment; ~~or early delinquency intervention~~ programs, an individual transition plan based on the student's post-placement goals shall be developed cooperatively with the student, his/her parents, school district and/or contracted provider personnel and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.

(b) through (c) No change.

(d) Exit portfolios shall be created for each student prior to exit from a commitment; or day treatment, ~~or early delinquency intervention~~ program and provided to the program

~~personnel DJJ personnel~~ for inclusion in the youth's individual record ~~DJJ file~~. ~~DJJ shall provide~~ This information shall be provided to the home school district. The exit portfolio shall include the records required by Sections 1003.51, F.S., and include at a minimum:

1. Transition plan;
 2. Results of district and state-wide assessments;
 3. Individual academic plan, 504 plan, and/or individual educational plan for exceptional students;
 4. Academic record or transcript; and
 5. Work and/or project samples.
- (6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of 250 days of instruction, or its hourly (1200) equivalent, of which ten (10) days for residential or twenty (20) days for day treatment ~~of which~~ may be used for teacher training/planning, distributed over twelve (12) months as required by Section 1003.01(11), F.S. Each school district shall collaborate with private providers and the DJJ, as appropriate, to develop a school calendar for these programs to be adopted by the local school board.

(b) Requirements. DJJ schools shall have the flexibility in student scheduling to meet the basic academic and career needs of the student. The instructional program shall meet the requirements of Sections 1003.42, 1003.43, 1003.438, 1003.52, 1008.23, and 1008.25, F.S., and include:

1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rule 6A-1.09441, F.A.C., that reflect the students' assessed educational and transition needs and meet the students' needs as identified by the individual plan as required by paragraph (4)(a) of this rule. All students shall receive a curriculum to address their individual, academic, career, and transition needs. Students shall receive career vocational/technical training, workplace readiness training, or career awareness and exploration instruction while in the juvenile justice program.

2. GED preparation shall meet GED course requirements specified in Rules 6A-6.0571 and 6A-6.021, F.A.C., and adult education course descriptions and/or the school district's approved GED/HSET Exit Option must meet the requirements specified by the Department of Education.

3. Instructional Tutorial activities that are based on the students' assessed academic needs. Such activities shall be designed to assist students in advancing to their age appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, career vocational/technical education, employment, or post secondary education.

4. Instruction shall be individualized to address the academic and career vocational/technical goals and objectives that are outlined in each student's individual academic plan.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles, including competency based programs and access to the Florida Virtual School as required in Section 1003.52(4), F.S.

(7) through (8)(a)2. No change.

3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:

- a. Disaster Fire drills;
- b. Lockdowns of the classroom or program for security purposes;
- c. Bomb scares;
- d. Court hearings; and
- e. Meetings students have with law enforcement personnel during school hours.

(8)(a)4. through (c) No change.

(9) Contracts with Private Providers.

(a) School districts may provide services directly or may enter into a contract with a private provider to provide educational services to these youth. ~~Beginning in 2000-2001,~~ Such contracts with private providers shall address the responsibilities of the school district and the private provider for implementing the requirements of this rule. The private provider shall have, at a minimum:

1. through 2. No change.

(b) Prior to contracting with a private provider, the school district shall:

1. Review and consider the provider's past performance history, including the results of prior Quality Assurance Reviews.

2. Review the private provider's contract, if any, with DJJ for the care and custody of the youth in the commitment, detention, or day treatment, ~~or early delinquency intervention~~ program to ensure that services and resources are coordinated and not duplicative.

(c) Contracts with private providers, as described above, shall be submitted to the Department of Education prior to the October FTE Reporting Survey for review to verify compliance with this rule.

(d) The provider(s) of career education workforce development programs in the district in which the DJJ facility is located shall be responsible for notifying the DJJ program of the requirements for enrollment and completion of these programs. The inclusion of DJJ students in the school district's career education workforce development program may be included in the contract referenced above and the cooperative agreement required by Section 1003.52, F.S.

(10) Interventions and Sanctions.

(a) If the educational program in a DJJ detention, commitment, or day treatment, ~~or early delinquency intervention~~ program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum standards requirements ~~for a designated priority indicator~~ of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate corrective actions within six months.

(b) through (11) No change.

Rulemaking Specific Authority 1003.51 FS. Law Implemented 1003.51, 1003.52 FS. History—New 4-16-00, Amended 5-19-08, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-16.001	Definitions
59B-16.002	Authorization to Disclose Identifiable Health Records to Provider Form and Instructions
59B-16.003	Rebuttable Presumption and Immunity from Civil Liability

PURPOSE AND EFFECT: The proposed rule development will establish a universal patient authorization form in both paper and electronic formats which may be used by a health care provider to document patient authorization for the disclosure and use, in any form or medium, of an identifiable health record. The universal patient authorization form for disclosure of identifiable health records must be accepted by providers if completed according to the instructions accompanying the form. The proposed rule development will incorporate by reference a universal patient authorization form for the disclosure of identifiable health records including accompanying instructions.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing a rule development that will establish new Rules 59B-16.001 and 59B-16.003, F.A.C., providing for the incorporation by reference of an Authorization to Disclose Identifiable Health Records form and accompanying instructions. The rules provide instructions for the completion of the universal patient authorization form that must be met to create the rebuttable presumption that the release of identifiable health record was appropriate.

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.051(4) FS.

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

DATE AND TIME: August 21, 2009, 10:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Rooms A, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Christine Nye, Director, Florida Center for Health Information and Policy Analysis, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-16.001 Definitions.

As used in Rules 59B-16.001 through 59B-16.003, F.A.C.:

(1) “Health care provider” means a hospital, skilled nursing facility, nursing facility, home health entity or other long term care facility, health care clinic, community mental health center, renal dialysis facility, blood center, ambulatory surgical center, emergency medical services provider, Federally qualified health center, group practice, a pharmacist, a pharmacy, a laboratory, a physician, dentist, podiatrist, optometrist, chiropractor, a nurse practitioner, physician assistant, clinical nurse specialist, a certified nurse midwife, a certified nurse anesthetist, a clinical social worker, a clinical psychologist, a registered dietician or nutrition professional, a speech-language pathologist, a rural health clinic, a physical therapist, an occupational therapist, or any other person or organization that furnishes, bills, or is paid for health care services in the normal course of business.

(2) “Electronic format” means an Authorization for the Disclosure of Identifiable Health Records form that is completed, signed electronically and transmitted electronically to the health care provider if the signature is validated by the provider or third party on behalf of the provider through an authentication process consistent with national standards recognized by the Office of the National Coordinator for Health Information Technology.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History—New _____.

59B-16.002 Authorization to Disclose Identifiable Health Records to Provider Form and Instructions.

The Authorization to Disclose Identifiable Health Records to Provider form including instructions for completing the form is posted at: www.FHIN.net. The Authorization to Disclose Identifiable Health Records to Provider form dated 10.1.09 is incorporated by reference as AHCA Form FC4200-004.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History—New _____.

59B-16.003 Rebuttable Presumption and Immunity from Civil Liability.

(1) The exchange by a health care provider of an identifiable health record upon receipt of an authorization form in either paper or electronic format completed and submitted in accordance with agency instructions as provided in Rule 59B-16.002, F.A.C., creates a rebuttable presumption that the release of the identifiable health record was appropriate.

(2) A health care provider that discloses or uses an identifiable health record in reliance on the information provided to the health care provider on a properly completed authorization form that may be on paper or in an electronic format does not violate any right of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:

61G3-21.001 Normal Penalty Ranges

PURPOSE AND EFFECT: The proposed rule amendment implements penalties for failure to comply with Rule 61G3-19.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Normal Penalty Ranges.

RULEMAKING AUTHORITY: 455.2273, 476.064(4) FS.

LAW IMPLEMENTED: 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-21.001 Normal Penalty Ranges.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter.

(1) through (11) No change.

(12) Rule 61G3-19.009, F.A.C.: ~~Failure to place license in conspicuous place for public viewing. Display of License. \$100.00 \$50.00~~ fine per violation up to a \$500.00 \$250.00 cap.

(13) through (14) No change.

Rulemaking ~~Specific~~ Authority 455.2273, 476.064(4) FS. Law Implemented 455.2273 FS. History—New 11-25-86, Amended 7-4-90, 12-23-90, Formerly 21C-21.001, Amended 10-30-95, 3-29-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-18.0055 Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify examination procedures.

SUBJECT AREA TO BE ADDRESSED: Supervised cosmetology practice exception.

RULEMAKING AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4) , (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: RULE TITLE:

61G14-19.001 Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: To change the rate the Department assesses from one percent (1%) to 8/10 of one percent (.8%) of the gross amount of pilotage earned.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to change the rate the Department assesses from one percent (1%) to 8/10 of one percent (.8%) of the gross amount of pilotage earned.

RULEMAKING AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-31.001	General Responsibility
61G15-31.002	Definitions
61G15-31.003	Design of Structures Utilizing Prefabricated Wood Trusses
61G15-31.004	Design of Cast-in-Place Post-Tensioned Concrete Structural Systems
61G15-31.005	Design of Structures Utilizing Precast and Prestressed Concrete Components
61G15-31.006	Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders
61G15-31.007	Design of Pre-Engineered Structures
61G15-31.008	Design of Foundations
61G15-31.009	Design of Structural Steel Systems

PURPOSE AND EFFECT: To update and clarify standards for the practice of structural engineering.

SUBJECT AREA TO BE ADDRESSED: Standards for the practice of structural engineering.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-23.001	Time-share Resale Listing Agreement Disclosures

PURPOSE AND EFFECT: To ensure that the rule is in compliance with statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Statutory requirements.

RULEMAKING AUTHORITY: 475.05, 475.42(1)(n) FS.

LAW IMPLEMENTED: 475.42 FS.

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

DATE AND TIME: Tuesday, September 15, 2009, 8:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-8.001	Definitions

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language for clarification of the definition for sterilization.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085 FS.

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

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

Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-8.002	Monitoring Sterilization and Infection Control

PURPOSE AND EFFECT: The Board proposes to review the rule and to delete unnecessary language and to add new language to clarify procedures for sterilization of acupuncture needles and other equipment.

SUBJECT AREA TO BE ADDRESSED: Monitoring sterilization and infection control.

RULEMAKING AUTHORITY: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.0155	Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees

PURPOSE AND EFFECT: To change the number of days any application must be postmarked prior to the examination.

SUBJECT AREA TO BE ADDRESSED: The number of days any application must be postmarked prior to the examination.

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.006, 466.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0155 Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees.

(1) Any application which is not postmarked at least ~~75~~ 60 days prior to the examination or which is not accompanied by the appropriate fees shall not be accepted or reviewed by the Board or Credentials Committee, but shall be returned without review. Accordingly any fees submitted shall be refunded.

(2) through (5) No change.

Rulemaking Specific Authority 466.004 FS. Law Implemented 466.006, 466.007 FS. History--New 11-16-89, Formerly 21G-2.0155, 61F5-2.0155, 59Q-2.0155, Amended.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-2.016	Forms

PURPOSE AND EFFECT: The purpose of this amendment is to adopt forms necessary to implement the 2009 amendments to Section 464.019, F.S.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NOS.:	RULE TITLES:
64B10-11.001	Application for Examination
64B10-11.003	Reexamination
64B10-11.012	Notification of Change of Address or Employing Facility

PURPOSE AND EFFECT: The proposed rules are necessary to correct the revision date on form MQA-NHA002; to correct the revision date on form DH-MQA 1129; and to incorporate by reference form DH-MQA 1130.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 456.033(7), (2), 468.1695(1), 456.035, 468.1685(1), (5), (7), (8), 456.017(2) FS.

LAW IMPLEMENTED: 456.033(6), 456.017(2), 456.035, 4a68.1685(1),(2) (5), (7), (8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to specify the percentage ranges for the various items in the examination rather than exact percentages in the examination rule.

SUBJECT AREA TO BE ADDRESSED: Examination.

RULEMAKING AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-5.002 Criteria for Approval

PURPOSE AND EFFECT: The purpose of the amendment is to clarify that instructors for courses focusing on optometric practice management need not hold doctoral level degrees.

SUBJECT AREA TO BE ADDRESSED: Instructor Education.

RULEMAKING AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.007(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-6.001 Fees

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt a uniform initial licensure fee.

SUBJECT AREA TO BE ADDRESSED: Licensure Fee.

RULEMAKING AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-10.002 Administration and Prescription of Topical Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the rule is to clarify that the Board, not the Department, identifies those topical ocular pharmaceutical agents that a Certified optometrists may administer and prescribe.

SUBJECT AREA TO BE ADDRESSED: Administration of Topical Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.0055, 463.012, 463.0135, 463.016(1)(g), (k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.2031	Licensure by Examination; Foreign Pharmacy Graduates

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate new applications and to clarify requirements.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new applications and clarification of requirements.

RULEMAKING AUTHORITY: 465.005, 465.007 FS.

LAW IMPLEMENTED: 465.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.2032	Licensure by Examination; Internship Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify requirements.

SUBJECT AREA TO BE ADDRESSED: Clarification of requirements.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.003(12), 465.007, 465.0075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.2033	Pharmacy Intern Registration and Internship Requirements (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create rule stating requirements for pharmacy intern registration and internship requirements for foreign pharmacy graduates.

SUBJECT AREA TO BE ADDRESSED: Requirements for pharmacy intern registration and internship requirements for foreign pharmacy graduates.

RULEMAKING AUTHORITY: 465.003, 465.005, 465.007 FS.

LAW IMPLEMENTED: 456.013(1), 465.003, 465.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.204	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new application and to clarify CE requirements and further clarify rule.

SUBJECT AREA TO BE ADDRESSED: New application and clarification of CE requirements and rule.

RULEMAKING AUTHORITY: 456.033, 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.205	Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create rule stating requirements for foreign pharmacy graduates licensure by endorsement.

SUBJECT AREA TO BE ADDRESSED: Requirements for licensure by endorsement for foreign pharmacy graduates.

RULEMAKING AUTHORITY: 456.033, 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.2021	Change of Ownership

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify transfer criteria.

SUBJECT AREA TO BE ADDRESSED: The criteria for transfers will be clarified.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.003(11)(a), 465.018, 465.019, 465.0193, 465.0196, 465.022(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.:	RULE TITLE:
65G-11.001	Developmental Disabilities Waivers Waitlist Prioritization

PURPOSE AND EFFECT: The purpose of the rule development is to solicit public input to be used in developing a rule for the process and procedures for prioritizing the wait list for enrollment on the Developmental Disabilities Home and Community Based Services Waiver. This rule is required to implement statutory language adopted during the 2009 Florida Legislative session.

SUBJECT AREA TO BE ADDRESSED: DD/HCBS Waiver Waitlist Prioritization.

RULEMAKING AUTHORITY: 393.065(5) FS.

LAW IMPLEMENTED: 393.065(5) FS.

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

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

for Persons with Disabilities, Denise Arnold, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)488-3673

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-24.040
 RULE TITLE: Licensure of Centralized Embalming Facilities

PURPOSE AND EFFECT: The proposed change to the rule is to lower the annual inspection fee from \$255 to \$225.

SUBJECT AREA TO BE ADDRESSED: Licensure of Centralized Embalming Facilities.

RULEMAKING AUTHORITY: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.: 9J-42.001, 9J-42.002, 9J-42.003
 RULE TITLES: Purpose and Effect, Relationship to Previous Rule and Schedules, Schedule

PURPOSE AND EFFECT: The purpose and effect are to adopt by rule a phased schedule for adoption of the local government evaluation and appraisal report.

SUMMARY: The adoption of Chapter 9J-42, F.A.C., will establish a phased schedule for adoption of the local government evaluation and appraisal report pursuant to Section 163.3191(9), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 163.3191(9) FS.

LAW IMPLEMENTED: 163.3191 FS.

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

DATE AND TIME: August 31, 2009, 9:00 a.m.

PLACE: Randall Kelley Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Room 305, Tallahassee, Florida 32399-2100

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: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767. 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: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-42.001 Purpose and Effect.

The purpose of this chapter is to establish the due dates for the third round of evaluation and appraisal reports due to be adopted by the local governing body and sent to the department pursuant to Section 163.3191, Florida Statutes. The evaluation and appraisal report is the principle process for updating local comprehensive plans to reflect changes in local conditions and state policy on planning and growth management. Municipal reports adoption due dates are generally 1 year to 18 months later than the report adoption date for the county in which those municipalities are located. The schedule divides the workload for the department over the submittal period and meets the required local governments deadlines set in Section 163.3191, Florida Statutes. Local governments which fail to submit their adopted report by their scheduled due date are subject to provisions of Section 163.3187(6), Florida Statutes.

Rulemaking Authority 163.3191(1), 163.3191(9), 163.3191(12) FS. Law Implemented 163.3191 FS. History—New _____.

9J-42.002 Relationship to Previous Rule and Schedules.

Chapter 9J-33, effective March 24, 1994, establishes due dates for the first round of evaluation and appraisal reports due between November 1, 1995 and February 1, 1999 for local