

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12A-19.021 Communications Services Tax Brackets

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly.

A Notice of Change published in Vol. 36, No. 31, p. 3586, August 6, 2010, edition of the Florida Administrative Weekly.

In response to public written comments received by the Department and made a part of the public hearing held September 27, 2010, the "Instructions" for the Communications Services Tax Bracket Rate Card, incorporated by reference in Rule 12A-19.021, F.A.C., has been changed, so that when adopted, those instructions will read:

Instructions: 1) Enter the CST rate.* 2) Press Enter. 3) Print.

* To find the total local tax rate, use the Jurisdiction Rate Table worksheet.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: RULE TITLE:
 15-1.012 Delegation of Authority

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15-1.012 shall have the following paragraph (20) deleted:

~~(20) The Executive Director shall report to the Governor and Cabinet at least quarterly actions taken under sub-sections (5), (8), (9), (11), (12), (13), (14) and (18).~~

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-12.001	Purpose
15A-12.002	Definitions and Course Curriculum
15A-12.003	Exemptions
15A-12.004	Application to Become a Sponsor
15A-12.005	Additional Program Requirements
15A-12.006	Regulation of Authorized Program
15A-12.007	RiderCoaches
15A-12.008	Program Compliance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15A-12.001 Purpose.

The Florida Motorcycle Safety Education Program shall be known as the Florida Rider Training Program (FRTTP). Its purpose is to provide motorcycle safety training, course curriculum and the certification of instructors.

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(4), (6) ~~and (7)~~, ~~and 322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New_____.

15A-12.002 Definitions and Course Curriculum.

(1) Basic Rider Course (BRC) – Standard beginner 15 hour motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF) and required for licensure to operate a motorcycle. The course curriculum shall be that prescribed by the Motorcycle Safety Foundation (MSF) and will include the Basic Rider Course RiderCoach Guide, the Basic Rider Course Handbook and Basic Rider Course Range Cards, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

(2) Basic Rider Course – 2 (BRC-2) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student shall use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Basic Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Basic Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the

Motorcycle Safety Foundation, Communications Department, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

~~(2) Certified Range Aid – RiderCoach candidate or other person who successfully completed the skills portion of the Basic Rider Course (BRC) and who is employed by a Sponsor to assist in approved training.~~

~~(3) Consultants – Individuals providing contract services for regulation of the Program, including performing Quality Assurance inspections and assisting with the RCP.~~

~~(3)(4) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).~~

~~(5) Experienced Rider Course (ERC) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student may use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Experienced Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Experienced Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the Motorcycle Safety Foundation, Communications Department, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.~~

~~(4)(6) Intern/Mentoring Program – Program for candidates seeking certification Florida recognition as a RiderCoaches.~~

~~(5)(7) Letter of Authorization – Letter from the Department to the Sponsor authorizing the Sponsor to conduct the Program in Florida.~~

~~(6)(8) Motorcycle Safety Foundation (MSF) – A national, non-profit organization promoting the safety of motorcyclists with programs in rider education, operator licensing and public information.~~

~~(7)(9) Online Data Exchange System – An online reporting system used by Sponsors to submit student Rider Course scores to the Department.~~

~~(8)(10) Program – Florida Motorcycle Safety Education Program or Florida Rider Training Program.~~

~~(9)(11) Program Manager – The individual who oversees the day-to-day operation of the state motorcycle safety program for the Department. FRTP Regional Coordinators are Department employees who operate under the supervision of the Program Manager.~~

~~(10)(12) Quality Assurance – Informational audits or on-site inspections conducted by MSF or FRTP staff of contractors pursuant to a program adopted by MSF, to ensure the program and instructional quality.~~

(11) Range Aide – Any person 18 years of age or older who successfully completed the Basic Rider Course (BRC), and has a motorcycle endorsement.

~~(12)(13) RiderCoach – FRTP Certified Rider Course Instructor, as set forth in these rules.~~

~~(13)(14) RiderCoach Intern – Candidate/Individual who gains supervised professional experience through the Intern/Mentoring Program.~~

(14) RiderCoach Preparation (RCP) – Training for individual who wishes to gain national certification as a RiderCoach.

(15) RiderCoach Trainer – RiderCoach certified by MSF who that trains RiderCoaches.

(16) Rules of Professional Conduct – Statement of conduct by which all FRTP certified recognized RiderCoaches are to abide by when conducting courses, as set forth in HSMV Form 72201 (10/2006), a copy of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571 as described in Rule 15A-12.009, F.A.C.

~~(17)(16) Sidecar/Trike Education Program (S/TEP) – Motorcycle course for individuals who intend to drive a motorcycle with more than two wheels or attached sidecar as adopted by the Evergreen Safety Council (ESC); Sidecar/Trike Education Program Instructor Manual, copies of which can be obtained by contacting Evergreen Safety Council, 401 Pontius Avenue North, Seattle, WA 98109, (206)382-4090 or (800)521-0778, or at esc@esc.org, or visit www.esc.org/sidecar.html.~~

~~(18)(17) Sponsor – The individual or entity which provides or intends to provide motorcycle safety training program services in Florida.~~

~~(19)(18) Update – Recertification Program or course updates for RiderCoaches in order to maintain RiderCoach status.~~

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(2), (6) and (7), and ~~322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New_____.

15A-12.003 Exemptions Reciprocity.

~~(1) Motorcycle training programs recognized, approved, licensed, or certified by another state or country's driver license authority, that are recognized by FRTP as being similar to the motorcycle safety training program in this State.~~

(2) Persons holding a valid driver license that includes a motorcycle endorsement or equivalent from those states, countries or organizations listed below are not required to undergo additional motorcycle training in this state in order to obtain a motorcycle endorsement. The motorcycle

endorsement requirements are waived, if an individual has a driver license that includes a motorcycle endorsement from any one of the following:

~~(1)(a)~~ Any state, ~~(except Alabama)~~, unless the customer presents a valid Motorcycle Safety Foundation course completion card that is not more than one year old.

~~(2)(b)~~ United States Territories, Possessions (including Panama Canal Zone if issued prior to January 1, 2000).

~~(3)(c)~~ Canada

~~(4)(d)~~ France

~~(5)(e)~~ Germany

~~(6)(f)~~ Taiwan

~~(7)(g)~~ United States Military

Rulemaking Authority 322.02(6), ~~322.0255~~, 322.0255(6) and (7), and 322.12(5)(a) and (b) FS. Law Implemented 322.0255, 322.12(5)(a), FS. History--New _____.

15A-12.004 Application to Become a Sponsor.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website, www.msf-usa.org. A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a written statement from the property owner providing permission to use the property for motorcycle safety courses.

(3) Persons or entities desiring to act as Sponsors must first qualify with MSF as an entity affiliated with the FRTP that is responsible for motorcycle safety and education in which the Sponsor agrees to teach current MSF RiderCourse curricula and does so through RiderCoaches certified according to MSF and FRTP standards. MSF qualifications require completion and use of ~~Complete~~ the forms listed below, which include the student course waiver and indemnification agreement, reporting and insurance requirements and driving range layout, all of which are conditions of MSF for utilizing their course and instructor certifications. Copies are available from the MSF website, www.msf-usa.org, Training Site Support, Rider Education Recognition Program (RERP) Forms or by contacting the FRTP, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571:

(a) Rider Education Recognition Program (RERP) Agreement, HSMV Form 77091 (10/2010).

(b) Addendum to RERP Agreement-Independent Sponsor, HSMV Form 77092 (10/2010).

~~(c)(b)~~ Rider Education Recognition Program (RERP) Application, HSMV Form 77093 (10/2010).

~~(c)~~ Rider Education Recognition Program (RERP) Range Application.

(d) MSF Rider Course Range Information Form, HSMV Form 77094 (10/2010).

(e) Motorcycle Safety Course Waiver & Indemnification, HSMV Form 77095 (10/2010).

(4) The Regional Coordinator will verify the range area and all forms will be sent to the FRTP Program Manager who will sign and forward them to MSF for approval.

(5) MSF will send a letter of approval to the applicant with a copy to the FRTP Program Manager.

(6) Once FRTP receives clearance from MSF, FRTP will initiate the letter of authorization process.

(7) The Letter of Authorization will be signed by the Director of the Division of Driver Licenses or her designee and provided to the Sponsor.

(8) Only when the applicant receives both official documents, will they be able to start classes.

(9) Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(10) The Sponsor shall be given Primary and Secondary signatory templates designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep a record of Online Data Exchange System signatories, signatory ID's and clerical additions.

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(1), (2), (4), (6) and (7), and 322.12(5)(a) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.005 Additional Program Requirements.

(1) An organization authorized to conduct the ~~motorcycle safety education~~ program shall adhere to the following:

(a) All RiderCoaches must abide by the FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), which is incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. ~~(a copy of which may be obtained as set forth in Rule 15A-12.009 Forms).~~

~~(b) Sponsors must attend required meetings, advise FRTP of organizational changes, location of services, schedules of classes and provide copies of incident reports.~~

(c) Sponsors must advise FRTP of organizational changes and changes in location of services.

(d) Sponsors must provide course class schedules and incident reports to FRTP.

~~(c)(e) Sponsors must submit reports on student completion in the format required by the FRTP. All completions will be entered within three days of the conclusion of the class into the Online Data Exchange System.~~

~~(f)(d)~~ Sponsors must provide proper insurance coverage as required by MSF.

~~(g)(e)~~ Sponsors and RiderCoaches will cooperate with FRTP staff or representatives ~~their consultants~~ during program regulation visits.

~~(h)(f)~~ Sponsors shall produce and maintain specific records as identified below:

~~1.(i)~~ Student Observation/Incident Report, where applicable, HSMV Form 77008 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571, (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms), where applicable. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

~~2.(ii)~~ The student has one year from completion date of a Basic Rider Course license waiver course to secure the endorsement on their driver license. ~~DHSMV Driver License Operations Manual, Motorcycle Licensing Procedures, MP 3—Motorcycle Also Requirements, DHSMV Issued: 08/00/05, Revised: 04/21/10.~~

~~(i)(g)~~ The Sponsor, upon request, shall permit FRTP and its representatives to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

~~(j)(h)~~ Sponsors must maintain training materials and equipment. All cosmetic damage to state loaned motorcycles must be repaired at least annually. Any motorcycle that has been involved in a crash will be immediately removed from service. The Sponsor must ensure that it is inspected and ridden by a RiderCoach or Certified Range Aide to ensure proper repair prior to student use.

~~(k)(i)~~ Sponsors must maintain all ranges in safe operating condition and meet applicable local ordinances and zoning requirements and meet safety codes.

~~(l)(j)~~ The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(2) A Sponsor shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a Sponsor advertise or imply that it is "recommended," or "endorsed" by FRTP or the State of Florida.

(3) No Sponsor, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(4) No Sponsor shall make a false or misleading claim in any of its advertisements.

(5) No Sponsor shall use any form of advertising which is obscene, lewd, or pornographic.

(6) The electronic Online Data Exchange System requires reports to be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(7) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(8) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature of the Sponsor's designated representative.

(9) The Sponsor shall issue each student a current edition of the BRC Student Handbook or S/TEP Student Handbook, which shall be an original and not photocopied. For the BRC-2 ERC, the Sponsor shall provide a set of Rider Classroom Cards to the students for use during the program.

(10) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

Rulemaking Authority 322.02(6), ~~322.025, 322.0255(1), (2), (3), (6) and (7), and 322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New_____.

15A-12.006 Regulation of Authorized Program.

(1) FRTP will regulate and periodically visit each Sponsor site to ensure compliance and quality assurance with these administrative rules, Florida Statutes, and compliance with all applicable MSF or ESC Agreements and course requirements. FRTP staff and contractors are authorized by MSF and ESC to act in their behalf to insure program compliance. The FRTP staff, ~~consultants~~ or representatives under these administrative rules shall:

(a) Conduct announced or unannounced site visits, or place unannounced rider(s) in a class.

(b) Check the range for size and safety compliance. If there is an immediate safety issue the range shall be shut down. A formal report shall be made on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.

(c) During a site visit, all representatives of the Sponsor shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(2) The FRTP representative visiting the Sponsors will produce a report on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571 (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms). A copy of the report shall be provided to the Sponsor.

(a) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied and the remedy reported to FRTP in the time allotted. ~~Failure to do so shall be considered administrative rule violations, which are cause for suspension or termination of authorization to provide motorcycle safety education.~~

(b) The Quality Assurance Audit Form, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org. This Form HSMV Form 92786 (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms), outlines the steps that will be taken by the FRTP, when the Code of Conduct or the Department "Letter of Authorization" are not adhered to.

(c) On the first observation the FRTP representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the RiderCoach and Sponsor by either the Program Manager or Regional Coordinator. The RiderCoach and Sponsor will be allowed to provide explanations and reasoning as to their actions. If the explanation and/or reasoning is/are acceptable, then no further action will be deemed necessary. If the explanations and reasoning so warrant, either the Regional Coordinator or Program Manager will advise the RiderCoach and Sponsor of the necessary corrective measure(s) to be implemented by them to correct it.

(3) In order to better facilitate site visits, the Sponsor shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter, listing the dates of the classes and the names of the RiderCoaches who will be teaching on those dates. The course schedule shall be sent to FRTP-Schedules@flhsmv.gov. The Sponsor shall notify the Department of any changes in course schedules (a monthly submission is permissible).

Rulemaking Authority 322.02(6), 322.0255(2), ~~(3)~~ and (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New_____.

15A-12.007 RiderCoaches.

(1) RiderCoaches, as personnel, must complete the RiderCoach Apprentice Program (RCAP), as established by the MSF, prior to being employed by any Sponsor.

~~(2) RiderCoaches are to be MSF certified and Florida recognized, maintaining certification, so that they may instruct the motorcycle safety courses.~~ Prospective RiderCoaches must comply with the following:

(a) Find a Sponsor School in their area to sponsor them.

(b) Complete a Basic Rider Course.

(c) Fill out the RiderCoach Apprentice Program Application (RCAP), HSMV Form 77058 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Application should be submitted (copies of which may be obtained as set forth in Rule 15A-12.009 Forms), and submit it to the address listed on the Application.

(d) The RiderCoach will be placed in a RiderCoach Preparation Course (RCP).

(e) After successful completion of the RCP, the student will be a certified ~~recognized~~ FRTP RiderCoach and certified by the ~~Motoreyele Safety Foundation (MSF)~~. The RiderCoach identification card will be sent to the RiderCoach by MSF.

~~(3) RiderCoaches are to be Motoreyele Safety Foundation (MSF) certified and Florida recognized maintaining certification so that they may instruct the motorcycle safety courses.~~

~~(a) Maintaining Florida RiderCoach Status:~~

~~(i) For RiderCoaches initially trained at an FRTP sponsored or recognized RiderCoach Preparation Course (RCP), a probationary recognition is automatic. This is based on the individual completing the RCAP and attending an RCP.~~

~~(ii) In order to gain full recognition, the RiderCoach must be observed and receive an average grade in all areas of the Quality Assurance Audit.~~

~~(3)(iii) Continued FRTP certification recognition is predicated upon successful completion of the automatic one-year probationary period, and the RiderCoach maintaining national Rider Course RiderCoach Certification, teach or team-teach a minimum of one complete Basic Rider Course annually, and attend one FRTP RiderCoach Update in a certification period (two years). Updates will not be more than 30 months apart.~~

~~(4)(b) RiderCoaches trained outside Florida can gain FRTP certification recognition by doing the following:~~

~~(a)(i) Contact Course Sponsor in the area you want to teach in and discuss the possibility of employment.~~

~~(b)(ii)~~ If Sponsor School agrees to employment, complete a RiderCoach Personal Information Qualification Form (provided by Sponsor School), HSMV Form 77122 (10/2010), incorporated by reference for administration of the FRTP Program, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Form will then need to be submitted; copies of which may be obtained as set forth in Rule 15A-12.009 Forms, and submit the form to the appropriate Regional Coordinator.

~~(c)(iii)~~ The Sponsor can use the RiderCoach, with a current FRTP certified ~~recognized~~ RiderCoach, for two classes before they are observed.

~~(d)(iv)~~ The RiderCoach must be observed by an FRTP certified ~~or FRTP approved~~ RiderCoach Trainer (RCT).

~~(e)(v)~~ The RiderCoach must attend the next available FRTP update. Updates must be within six months of observation.

~~(f)(vi)~~ All new FRTP certified ~~recognized~~ RiderCoaches will be placed on probationary status for one year.

~~(5)(4)~~ The Sponsors shall employ only RiderCoaches who are certified ~~recognized~~ by FRTP and certified by MSF, or the ESC.

~~(6)(5)~~ RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC; FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571, a copy of which may be obtained as set forth in Rule 15A-12.009 Forms.

~~(7)(6)~~ RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet, and submit their a driver's record and criminal history background, and a copy of their MSF RiderCoach card to the area Regional Coordinator. Then they will be evaluated by FRTP staff or their designee. They must also attend a RiderCoach update within six months of evaluation.

~~(8)(7)~~ RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

~~(9)(8)~~ RiderCoaches must sign and abide by the FRTP's RiderCoach Rules of Professional Conduct, teach or team-teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity or any activity that requires them to be in student or learning position, within in their certification period (two years).

~~(10)(9)~~ RiderCoaches must recertify with MSF on-line every two years and must forward proof of recertification surveys to Sponsors.

~~(11)(10)~~ RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives.

~~(12)(11)~~ RiderCoaches can also gain Florida certification recognition by completing the FRTP Intern/Mentoring Program.

(a) For RiderCoaches who were initially trained at an FRTP sponsored RiderCoach Preparation Course (RCP) or Sidecar and Trike Education program (S/TEP), certification recognition is automatic upon completion of the Intern/Mentoring Program.

(b) RiderCoaches seeking Florida certification recognition must complete the Intern/Mentoring Program and attend an FRTP Update. Both must be completed within 9 months of applying for FRTP certification recognition.

~~(1)(i)~~ RiderCoach candidates will automatically be entered into the Intern/Mentoring Program when they successfully complete the RCP.

~~(2)(ii)~~ Under the Intern/Mentoring Program, new RiderCoaches and those seeking Florida certification recognition will be required to team-teach a minimum of three 3 Basic Rider Courses (BRC) with an FRTP recognized RiderCoach.

~~(3)(iii)~~ An Internship Report – RiderCoach Mentor Form, HSMV Form 77079 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. A Form (copies of which may be obtained as set forth in Rule 15A-12.009 Forms), will need to be completed for each class. The RiderCoach Intern will also need to complete a RiderCoach Intern Form, HSMV Form 77078 (10/2010), incorporated by reference, (copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. This Form will need to be completed as set forth in Rule 15A-12.009 Forms), for each class. Completed forms will be sent to the e-mail or mailing address on the forms.

~~(4)(iv)~~ Once FRTP receives all of the forms listed in ~~(12)(b)(3)(iii)~~, above, the candidate will gain full FRTP RiderCoach certification recognition.

Rulemaking Authority ~~12.011~~, 322.02(6), 322.0255(3) and (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New_____.

15A-12.008 Program Compliance.

(1) Administrative non-compliance is the failure to meet applicable FRTP or MSF or ESC requirements for reporting, providing notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires a written reprimand and further violations within a one-year period will result in ~~requires~~ a suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver or to properly follow the evaluation phase of the RiderCoach Guide when conducting the BRC. The first occurrence will result in a suspension of the authorization to provide motorcycle safety education, and a repeated occurrence within a one-year period will ~~may~~ result in program termination.

~~(3) A major discrepancy in testing procedures is a failure to include all required parts, use of an unsafe vehicle for testing, or other action that significantly compromises the integrity of the testing process. A violation will result in a suspension of the authorization to provide motorcycle safety education for the first occurrence and further violations may result in program termination.~~

~~(3)(4) Fraud is defined as the abuse of authority authorities granted under these administrative rules to gain profit through the issuance of test waivers for students who have not passed a complete test or have not completed the course in its entirety. A fraud violation will result in termination from the program.~~

~~(4)(5) The authorization to conduct motorcycle safety education will may be suspended ~~annulled~~ if a Sponsor refuses to allow public access to all documents subject to Chapter 119, F.S., or fails to comply with any part of these administrative rules, commits an act that compromises the integrity of the program, or uses a RiderCoach who is not Florida recognized. Subsequent violations within a one-year period will result in program termination. The use of a RiderCoach who is not certified under these rules will result in program termination.~~

~~(5)(6) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.~~

Rulemaking Authority ~~120.60, 322.02(6), 322.0255(1), (3), (4) and (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New_____.~~

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NO.:	RULE TITLE:
15A-12.009	Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

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

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care (Repealed)
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Prevention, Fire Protection, and Life Safety
59A-4.133	Plans Submission and Review and Construction Standards
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.166	Nursing Home Consumer Satisfaction Survey

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules, as noticed in Vol. 35, No. 22, June 5, 2009 issue of the Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
 59A-7.021 Laboratory Licensure –
 Qualifications, Licensure,
 Operation and Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 36, September 10, 2010 issue of the Florida Administrative Weekly.

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1)(a) 1. through 10. No change.

11. Such other information requested on the application for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C. AHCA Form 3170-2004-B, Initial Clinical Laboratory Licensor Application, September, 2009, AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810 and 408.813, F.S. as applicable to the laboratory operation. AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency and is incorporated by reference herein and are available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml.

(b) through (c) No change.

(2) through (11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, 3-1-10,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-4.160 Outpatient Hospital Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NOS.: RULE TITLES:
 60DD-2.001 Purpose; Definitions; Policy;
 Applicability; Agency Security
 Programs; Roles and
 Responsibilities; Risk Management
 60DD-2.002 Control of Computers and
 Information Resources
 60DD-2.003 Physical Security and Access to Data
 Processing Facilities
 60DD-2.004 Logical and Data Access Controls
 60DD-2.005 Data and System Integrity
 60DD-2.006 Network Security
 60DD-2.007 Backup and Disaster Recovery
 60DD-2.008 Personnel Security and Security
 Awareness
 60DD-2.009 Systems Acquisition, Disposal,
 Auditing, and Reporting
 60DD-2.010 Standards Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.: RULE TITLES:
 61C-1.001 Definitions
 61C-1.004 General Sanitation and Safety
 Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: RULE TITLES:
 61G15-31.003 Design of Structures Utilizing
 Pre-Engineered Wood Trusses
 61G15-31.006 Design of Structural Systems
 Utilizing Open Web Steel Joists and
 Joist Girders

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, of the August 7, 2009, issue of the Florida Administrative Weekly, and a Notice of Change published in Vol. 36, No. 29, of the July 23, 2010, issue of the Florida Administrative Weekly. The

changes are in response to concerns by the Joint Administrative Procedures Committee in a letter dated December 16, 2009. The change is as follows:

61G15-31.003(1) shall read as:

61G15-31.003 Design of Structures Utilizing Pre-Engineered Prefabricated Wood Trusses.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Section 2319.17.12 of the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as defined in Section 2303.4, of the Florida Building Code.

Rule 61G15-31.006(1) and (2) shall read as:

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the structural engineering documents Structural Engineering Documents the steel joist and joist girder designations from the 1997 Steel Joist Institute's Specifications and load tables set forth in Section 2206.2, of the Florida Building Code, and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The steel joist and joist girder manufacturer shall design the steel joist and joist girder members in accordance with the 1997 Steel Joist Institute Specifications and load tables set forth in Section 2206.2 of the Florida Building Code, to support the loads per the engineer of record's Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in the structural engineering documents Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations, prepared by a delegated engineer, as an indication of compliance. When required to submit the steel joist and joist girder calculations, the steel joist and joist girder manufacturer shall submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal, date and signature of a Florida licensed registered professional engineer responsible for design of the steel joist and joist girders and shall contain the following information:

(a) The name, address and license number of the delegated engineer.

(b) Identification of the project by name and address.

(c) Identification of the applicable building code and the design criteria used.

(d) An index of the attached calculations and a list of the drawings to which they apply.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.010
 RULE TITLE: Design of Structures Utilizing Cold-Formed Steel Framing
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 45, November 13, 2009 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in a letter dated December 16, 2009. The change is as follows:

61G15-31.010(1) shall read as:

61G15-31.010 Design of Structures Utilizing Cold-Formed Steel Framing.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Section 2319.17.12, of the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as defined in Section 2303.4 of the Florida Building Code. The Engineer of Record and the Delegated Engineer shall have additional responsibilities identical to those stipulated for wood trusses in accordance with Rule 61G15-31.003, F.A.C. The Engineer of Record may also delegate the design of a truss system comprising cold-formed steel framing as outlined in Rule 61G15-31.003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

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 Nursing Home Administrators

RULE NO.: 64B10-16.005
 RULE TITLE: Domains of Practice, Objectives, Reports

SECOND NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, of the September 25, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated October 8, 2009.

The changes are as follows:

64B10-16.005(1)(d) shall read as:

(d) The preceptor and Administrator ~~administrator~~-in-Training ~~training~~ must file a reports with the Board every 90 days. The report shall be made on the State of Florida AIT Domains of Practice Quarterly Checklist, Form DH-MQA 1209 (revised 07/10 ~~06/09~~, hereby adopted and incorporated by reference) which can be obtained from the Board of Nursing Home Administrators' website at: <http://www.doh.state.fl.us/mqa/nurshome/index.html>. Each report shall be co-signed by the preceptor and Administrator ~~administrator~~-in-Training ~~training~~ and shall be filed within two weeks after the completion of each reporting period of the program. Failure to file the report on the correct form or within the stated time period may result in non-acceptance of the report. The reports shall contain a synopsis of the areas covered in the program and a narrative describing relevant learning experiences. The reports shall show how the Administrator ~~administrator~~-in-Training ~~training~~ used the following methods to further his or her training:

- 1. through 7. No change.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.351
 RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 37, September 17, 2010 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs.

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ January 1, 2011 by the American Society of Health-System Pharmacists,

(b) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ January 1, 2011 by the Southern Association of Colleges and Schools,

(c) Pharmacy technician training programs ~~aeereditied~~, ~~approved or licensed~~ on or before ~~December 1, 2010~~ January 1, 2011 by the ~~Florida Department of Education~~, or Florida Commission for Independent Education,

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion on or before December 1, 2010.

(e) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ January 1, 2011 by the Council on Occupational Education.

(2) All programs not listed in paragraphs (1)(a) through (e) and which are not employer based programs, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and:

(b) Offer a course of study that includes:

1. Introduction to pharmacy and health care systems:

a. Confidentiality,

b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

a. Federal law,

b. State law,

c. State rules,

d. Pharmacy technician rules and law.

3. Pharmaceutical – medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention,

b. Prescriptions and medication orders,

4. Records management and inventory control:

a. Pharmaceutical supplies,

b. Medication labeling,

c. Medication packaging and storage,

d. Controlled substances,

e. Adjudication and billing,

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications,

b. Empathetic communications,

c. Ethics governing pharmacy practice,

d. Patient and caregiver communication,

6. Pharmaceutical calculations.

(c) Apply directly to the Board of Pharmacy on approved form DH-MQA 1239 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs," effective October 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy> and provide the following information:

1. Sample transcript and diploma;
2. Copy of curriculum, catalog or other course descriptions; and

3. Faculty credentials.

(d) The curriculum, catalog or course description must demonstrate that:

1. Learning experiences and teaching methods convey the content stated above.

2. Time allocated for each participant shall be sufficient to meet the objectives of each activity.

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(e) Faculty Qualifications.

1. The program shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be licensed or registered.

(3)(2) All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA ~~1239~~ 1232 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs Provider Application," effective ~~October~~ February 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must be accompanied with a non-refundable application fee. The applicant must attach to the application

copy of curriculum, catalog or other course description. All employer based programs must: The following objectives must be met:

(a) Offer a course of study that includes: Program content:
1. through 6. No change.

(b) Use materials and methods that demonstrate that: Evidence satisfactory to the Board shall be presented that:

1. Learning experiences and teaching methods convey are ~~appropriate to meet~~ the content stated above.

2. Time allocated for each participant activity shall be sufficient to meet the objectives of each activity ~~for the participant to meet the objectives.~~

3. No change.

(c) Faculty Qualifications.

1. The program faculty shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. No change.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be licensed or currently registered.

(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Satisfactory evidence is a sample evaluation to be reviewed by the Board. Self-directed learning experiences, including ~~but not limited to~~ home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.

(e) No change.

(f) Required documentation.

1. through 3. No change.

4. Providers shall furnish each participant with an ~~authenticated individual~~ Certificate of Completion.

5. No change.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History—New 6-23-10, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelli Ferrell, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.902 RULE TITLE: Nuclear Pharmacy – Minimum Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. In sub-subparagraph (2)(k)1.a., the words, “All other rules” will be removed from the rule text.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.046 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly.

Rulemaking Authority:

Rulemaking Specific Authority 381.0011(13), 381.003(1), (2), ~~381.005(3)~~ ~~381.005(2)~~, 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, 7-28-08.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

SUMMARY: Now reads:

This Amendment updates forms DH-680, Florida Certification of Immunization, DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes, DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade, and DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary.

64D-3.046(1)(b):

~~(b) Specific immunization requirements by grade, in addition to those in paragraph (1)(a) which must be documented prior to admittance, attendance or any other initial entrance are detailed in the Immunization Guidelines-Florida Schools, Childcare Facilities and Family Daycare Homes DH Form 150-615 (July 2010), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf~~ transfer.

64D-3.046(1)(b)2:

~~2.(e) A DH Form 680 that does not include a temporary or permanent medical exemption must be signed Forms are to be fully executed by a practitioner licensed under Chapter 458, 459, 460, or 464, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes (July 2008), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf.~~

64D-3.046(2)(c)1:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (July 2010 ~~June 2007~~), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (July 2010 ~~November 2006~~), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

64D-3.046(5):

~~(5)(6)~~ Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English)(January 2007) or DH Form 1478S (Spanish)

(September 2003) or DH Form 1478H (Haitian-Creole)(January 2006), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the children’s immunization record via authorized access to Florida SHOTS.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-3.001	Certification of 911 Emergency Dispatchers
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Emergency Dispatchers Certification

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

The agency head listed as Chief John Bixler should read Ana M. Viamonte Ros, M.D., M.P.H with the contact number of (850)245-4321.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.001	Definitions for Behavior Analysis Certification and Services Rules
65G-4.0011	Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts
65G-4.002	Service Delivery
65G-4.003	Certification as a Behavior Analyst
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education
65G-4.007	Behavior Analysis Certification Fees
65G-4.008	Behavior Analysis Services Oversight System Organization
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval

65G-4.011	Determination of Mental Retardation in Capital Felony Cases: Intelligence; Tests to be Administered
65G-4.012	Determination of Mental Retardation: Intelligence Tests to Be Administered

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69B-210.005	Unlawful Inducements, Generally

NOTICE OF PUBLIC HEARING

The Department of Financial Services announces an additional hearing regarding the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly.

DATE AND TIME: November 15, 2010, 2:00 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This rule was originally published in the August 20, 2010 (Vol. 36, No. 35) issue of the Florida Administrative Weekly. A hearing on this rule was held on July 30, 2010. A draft copy of the proposed changes to this rule can be obtained from the Department’s website: http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice_69B-210_Induce_Title.pdf.

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: Lorna Noren at (850)413-5634 or Lorna.Noren@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). 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 Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69B-210.010	Unlawful Inducements, Title Insurance

NOTICE OF PUBLIC HEARING

The Department of Financial Services announces an additional hearing regarding the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly.

DATE AND TIME: November 15, 2010, 2:00 p.m.
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule was originally published in the August 20, 2010 (Vol. 36, No. 35) issue of the Florida Administrative Weekly. A hearing on this rule was held on July 30, 2010. A draft copy of the proposed changes to this rule can be obtained from the Department's website: http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice_69B-210_Induce_Ti tle.pdf.

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: Lorna Noren at (850)413-5634 or Lorna.Noren@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). 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).

Section IV Emergency Rules

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."

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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Embassy Suites, filed July 28, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-490).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from City of Jacksonville, filed August 4, 2010, and advertised in Vol. 36, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.14.1.4 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that does not allow a lockable steel openwork mesh divider in each elevator car to create two compartments because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-509).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Thorsen Bldg., filed August 13, 2010, and advertised in Vol. 36, No. 36 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996