

- 67-48.030 Sale or Transfer of a Housing Credit Development
- 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2009 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: August 17, 2010, 2:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs

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

Section II Proposed 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.”

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.	RULE TITLES:
27M-3.001	Definitions and Forms
27M-3.002	Application Process
27M-3.003	Certification Decision

PURPOSE AND EFFECT: The purpose and effect is to modify existing rules to comply with changes contained in Chapter 2010-39, Laws of Florida.

SUMMARY: The rules govern the application and certification process for the Black Business Loan Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

There are 8 applicants for certification as an administrator of program funds for the Fiscal Year 2010-11. It is anticipated that the number of applicants would be approximate to this number each year in which the legislature make such an appropriation. Neither OTTED nor any other state and local governments have incurred additional costs as a result of the new program format. There should be no transactional costs for any entity applying to participate as a loan administrator since no additional licenses, registrations, or fees were required by this rule. The rule changes do not affect the program’s impact on small businesses.

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: 288.7102(7) FS.

LAW IMPLEMENTED: 288.7094; 288.7102 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568

THE FULL TEXT OF THE PROPOSED RULES IS:

27M-3.001 Definitions and Forms.

As used in this Rule Chapter 27M-3, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at: http://www.flgov.com/otted_home or may be obtained from the Office.

(1) No change.

(2) "Agreement" means the standard "Black Business Loan Program Recipient Agreement" form OTTED 7102-5 (5/10).

(3) No change.

(4) "Application" means the standard "Application for Certification as Eligible Recipient of Funds under the Black Business Loan Program" form OTTED 7102-1 (5/10).

(5) "Application Evaluation Form" means the standard "Black Business Loan Program Application Evaluation" form OTTED 7102-2 (5/10).

(6) "Application Period" means the annual period during which Applicants may submit Applications, which shall be May 1 through June 1 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

~~(7) "Board" means the Florida Black Business Investment Board, Inc., created by Section 288.707, F.S., whose address is 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, Florida 32308.~~

~~(7)(8)~~ "Certification Decision Form" means the standard "Black Business Loan Program Certification and Allocation Decision" form OTTED 7102-4 (5/10).

~~(8)(9)~~ "Eligible" means that an Applicant has demonstrated satisfaction of each of the requirements specified in Section 288.7102(4), F.S.

(9) "Existing Recipient" means an Applicant that, after a certification process, the Office certified to receive Program funds for the previous year and that entered into an Agreement with the Office.

(10) "New Recipient" means an Applicant that the Office did not certify for the previous year.

~~(11)(10)~~ "Office" means the Office of Tourism, Trade and Economic Development, whose address is 1902 The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399.

~~(12)(11)~~ "Program" means the Black Business Loan Program established by Section 288.7102, F.S.

~~(13)(12)~~ "Recipient" means an Applicant that, after a certification process, the Office certifies to receive Program funds and that enters into an Agreement with the Office.

~~(14)(13)~~ "Summary Recommendation Form" means the standard "Black Business Loan Program Summary Recommendation" form OTTED 7102-3 (5/10).

Rulemaking Authority 288.7102(7) FS. Law Implemented 288.7094(2), 288.7102 FS. History—New 9-1-08, Amended _____.

27M-3.002 Application Process.

(1) An Applicant shall submit the original and three copies of its completed Application to the Office Board during the Application Period.

(2) The Office Board shall date and time stamp all Applications upon receipt, and thereafter take reasonable steps to preserve the integrity of the Application and any revisions.

(3) Upon the close of the Application Period, the Office Board ~~shall have ten (10) business days to review~~ shall review each Application for completeness and notify any Applicant in writing if the Office Board determines that its Application is incomplete. The Office's Board's notice shall specify the reasons for its determination, and the Applicant shall have ten (10) business days after receipt of such notice to submit a revised Application to the Office Board. If the Applicant fails to submit a revised Application within the required time, the Office Board shall notify the Applicant in writing that it is removed from further consideration ~~and send a copy of the notice to the Office.~~

(4) The Office Board shall evaluate each complete Application from a New Recipient and document its evaluation using the Application Evaluation Form. To conduct the evaluation, the Office Board shall assign a person or persons who individually or collectively have experience in the following areas: financing small or minority business; economic development; community development; and business management. No officer, director, employee, or agent of any Applicant shall participate in the evaluation process.

~~(5) Within thirty (30) days after the close of the Application Period, the Board shall deliver to the Office the completed Summary Recommendation Form along with:~~

~~(a) The original and one copy of each Application and its related Application Evaluation Form; and~~

~~(b) The names and organizational affiliations of all persons who participated in the evaluation process.~~

Rulemaking Authority 288.7102(7) FS. Law Implemented 288.7094(2), 288.7102 FS. History—New 9-1-08, Amended _____.

27M-3.003 Certification Decision.

(1) Within thirty (30) days after the close of the Application Period, the Office shall complete Summary Recommendation Form ten (10) business days after receiving the Summary Recommendation Form and supporting materials, the Office shall decide which Applicants to certify as Recipients. The Office shall consider the following factors: the Board's recommendations, which shall not be binding; the amount of documented match raised; and the Applicant's past performance.

(2) The Office shall process all applications and recertifications submitted by June 1 on or before July 1. The Office shall transmit its completed Certification Decision Form to the Board, and explain any differences with the Board's recommendations. The Office shall also issue a letter to each

~~Applicant certified as a Recipient of program funds. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification decisions shall be subject to review under Chapter 120, F.S.~~

(3) The Office shall issue a letter to each Applicant certified as a Recipient of program funds. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification decisions shall be subject to review under Chapter 120, F.S.

Rulemaking Authority 288.7102(7) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New 9-1-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shane Strum

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2010

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-14.0061	Admission Criteria and Procedures, Appropriateness of Placement, and Continued Residency Requirements
58A-14.007	Standards and Practices for Care and Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments for Rule 58A-14.0061, F.A.C., are as follows: to include an additional requirement for determining admission procedures and continued residency; to include the requirement that residents must be made aware of the location of documents in order to make complaints; to amend the "Advance Directives" subsection to remove the term "advance directives" and replace with "Do Not Resuscitate Orders"; to add the word "licensed" before the references of "nurse" and "health care provider" in subsection (1); and to replace the word "physician" with "licensed health care provider" in subsection (7). The purpose and effect of the proposed rule amendments to Rule 58A-14.007, F.A.C., are to comply with the changes made in Rule 58A-14.0061, F.A.C.

SUMMARY: Rule 58A-14.0061, F.A.C., includes an additional requirement for determining admission procedures and continued residency; the requirement that residents must be made aware of the location of documents in order to make

complaints; and an amendment to the "Advance Directives" subsection to remove the term "advance directives" and replace with "Do Not Resuscitate Orders." Rule 58A-14.007, F.A.C., makes changes to comply with amendments to Rule 58A-14.0061, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule amendments will not have an impact on small employers as defined in Section 288.703, F.S., or small cities or counties as defined in Section 120.52, F.S.; therefore, a statement of estimated regulatory cost has not been 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: 429.73 FS.

LAW IMPLEMENTED: 429.65, 429.73, 429.85 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: August 25, 2010, 10:00 a.m. – 11:00 a.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-14.0061 Admission Criteria and Procedures, ~~and Appropriateness of Placement, and Continued Residency Requirements~~.

(1) ADMISSION. In order to be admitted as a resident to an AFCH, an individual must:

(a) through (b) No change.

(c) Be capable of self-preservation in an emergency situation involving the immediate evacuation of the AFCH, with assistance with ambulation, if needed.

(d) through (h) No change.

(i) Not have stage 3 or 4 pressure sores. An individual with a stage 2 pressure sore may be admitted only if the individual is under the care of a licensed nurse pursuant to a plan of care issued by a licensed health care provider. Such nursing service must be provided in accordance with Rule 58A-14.007, F.A.C.

(j) through (l) No change.

(2) HEALTH ASSESSMENT. ~~Prior to admission to an AFCH, the individual must be examined by a health care provider using AHCA Form 3110-1023 (AFCH-1110) 01/08, Resident Health Assessment for Adult Family-Care Homes (AFCH), January 2008, which is incorporated by reference, and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308. The form may also be obtained from the agency's Web site at http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/afc/Res_Health_Assmnt.pdf.~~

(a) Prior to admission to an AFCH, an individual must have a face-to-face medical examination conducted by a licensed health care provider using AHCA Form 3110-1023, Resident Health Assessment for Adult Family-Care Homes (AFCH), January 2008, which is incorporated by reference. It is available by writing to the Agency for Health Care Administration, Long-Term Care Bureau, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308-5403 or calling (850)487-2515. It also may be obtained from the Agency's website at http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/afc/Res_Health_Assmnt.pdf.

1. Items on the form that may have been omitted by the licensed health care provider during the examination do not necessarily require an additional face-to-face examination for completion.

2. The AFCH provider, or relief person, may obtain the omitted information either verbally or in writing from the licensed health care provider.

3. Omitted information received verbally must be documented in the resident's record, including the name of the licensed health care provider giving the information, the name of the AFCH provider or relief person recording the information, and the date the information was obtained.

(b) Every year thereafter, or after a significant change as defined in subsection (4) of Rule 58A-14.007, F.A.C., whichever comes first, the resident must have a face-to-face medical examination conducted by a licensed health care provider using the form referenced in paragraph (a) of this subsection. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement for residents currently living in the AFCH.

(3) HOUSE RULES AND COMPLAINT PROCEDURES. ~~Prior to, or at the time of admission a copy of the AFCH house rules, the Resident's Bill of Rights established under Section 429.85, F.S., the name, address, and telephone number of the district long-term care ombudsman~~

~~council and the Florida Abuse Hotline, and the procedure for making complaints to the ombudsman council and the abuse registry must be provided to the resident or the resident's representative.~~

(a) Prior to, or at the time of admission, the AFCH must provide the resident, or representative, with the following:

1. A copy of the AFCH house rules;

2. The Resident's Bill of Rights established under Section 429.85, F.S.;

3. Written information referenced in subsection (6) of Rule 58A-14.004, F.A.C., and the procedure for making complaints to these entities.

(b) Additionally, the provider, or relief person, must make the resident, or representative, aware of the location of the documents posted pursuant to subsection (6) of Rule 58A-14.004, F.A.C.

(4) DO NOT RESUSCITATE ORDERS ADVANCE DIRECTIVES:

(a) Each adult family-care home (AFCH) must have written policies and procedures, which delineate ~~its~~ the AFCH'S position with respect to the state law and rules relative to do not resuscitate orders (DNROs) advance directives. The policies shall not condition treatment or admission upon whether or not the individual has executed or waived an DNRO advance directive. ~~In the event of conflict between the AFCH's policies and procedures and the resident's advance directive, provision should be made in accordance with Chapter 765, F.S.~~

(b) The AFCH's policy must ~~shall~~ include:

1. No change.

2. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies regarding DNROs resuscitation and advance directives, including information concerning DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64J-2.01831, F.A.C.

~~3. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies respecting advance directives.~~

~~3.4.~~ 3.4. The requirement that documentation of whether or not the resident has executed an DNRO advance directive must be contained in the resident's record. If an DNRO advanced directive has been executed, a copy of that document must be made a part of the resident's record. If the AFCH does not receive a copy of the DNRO advanced directive for a resident, the AFCH must document in the resident's record that it has requested a copy.

~~4.5.~~ 4.5. An AFCH shall be subject to revocation of its license pursuant to Section 408.815, F.S., if the AFCH, as a condition of treatment or admission, requires an individual to execute or waive an DNRO advance directive, pursuant to Section 765.110, F.S.

(c) Pursuant to Section 429.73, F.S., in the event a resident experiences cardiopulmonary arrest, an AFCH must may honor a properly executed DNRO as follows:

1. The AFCH provider, or relief person, who is trained in cardiopulmonary resuscitation (CPR), may withhold cardiopulmonary resuscitation; or

2.1. In the event of cardiopulmonary distress, Tthe AFCH provider, or relief person designee, shall immediately contact "911." Cardiopulmonary resuscitation may be withheld or withdrawn from a resident by an individual pursuant to Section 401.45, F.S.

2. Cardiopulmonary resuscitation may be withheld or withdrawn from a resident only if a valid DNRO is present and the withholding or withdrawing of cardiopulmonary resuscitation is executed by an individual pursuant to Section 401.45, F.S.

3. Adult ~~fFamily-c~~Home providers shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order and rules adopted by the department agency, pursuant to Section 429.73, F.S. Any AFCH provider, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his ~~or~~her performance regarding patient care.

(5) TEMPORARY EMERGENCY SERVICES. Residents placed on an emergency basis by the Department of Children and Family Services pursuant to Section 415.105 or 415.1051, F.S., must meet the admission requirements of this rule. However, only residents whose stay in the home exceeds 30 days; must be examined by a licensed health care provider under subsection (2) of this rule section, and covered by a residency agreement under Rule 58A-14.0062, F.A.C. A temporary emergency placement may not be made if the placement causes the home to exceed licensed capacity.

(6) CONTINUED RESIDENCY.

(a) The criteria for continued residency shall be the same as the criteria for admission, including a face-to-face medical examination conducted by a licensed health care provider pursuant to subsection (2) of this rule, with the following exceptions that:

- 1. through 3. No change.
- (b) through (c) No change.

(7) DISCHARGE.

(a) No change.

(b) Residents shall only be moved or transferred without the required 30 day notice for the following reasons:

- 1. The resident's health requires an immediate relocation to a facility which provides a more skilled level of care as certified by a licensed health care provider physician;
- 2. through 3. No change.

Rulemaking Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History--New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, 4-29-08,_____.

58A-14.007 Standards and Practices for Care and Services.

The adult family-care home provider shall ensure the provision of the following in accordance with Part II of Chapter 429, F.S., this rule chapter, and the residency agreement:

- (1) No change.
- (2) SUPERVISION.

The AFCH provider shall provide general supervision ~~twenty-four (24)~~ hours per day, except as provided in paragraph (a) of the subsection. General supervision means the provider or designee is aware of the resident's whereabouts and well-being while the resident is on the premises of the AFCH. The provider is responsible for determining the level of supervision necessary to ensure the resident's safety and security as well as to remind the resident of any important tasks or activities, including appointments.

(a) A resident may be left without supervision in an AFCH for up to 2 hours in a 24-hour period if his or her licensed health care provider submits written certification that doing so will not compromise the resident's health, safety, security or well-being. This certification is included on AHCA Form 3110-1023, Resident Health Assessment for Adult Family-Care Homes (AFCH), as referenced in Rule 58A-14.0061, F.A.C.

~~1. The certification is included in Section II of AHCA Form 3110-1023 (AFCH-1110) 01/08, incorporated by reference in subsection 58A-14.0061(2), F.A.C.~~

~~2. After the effective date of this rule, the provider shall have up to six (6) months for completing section II on this form for all current residents.~~

(b) The health care provider's certification must be completed annually from the date of the original assessment, or sooner, if a significant change occurs pursuant to subsection (4) of this rule or when there is a compelling reason why the resident should not be left without supervision in the AFCH.

- (c) No change.
- (3) through (7) No change.

Rulemaking Authority 429.73 FS. Law Implemented 429.73, 429.85 FS. History--New 5-14-86, Amended 2-2-95, Formerly 10A-14.007, Amended 9-19-96, 6-6-99, 4-29-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010 for Rule 58A-14.0061, F.A.C.; June 18, 2010 for Rule 58A-14.007, F.A.C.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.0010
 RULE TITLE: Examination for Barber Licensure
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to modify the percentage weight for categories on the written examination.

SUMMARY: The rule amendment will delete unnecessary language and to modify the percentage weight for categories on the written examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 455.217(1)(b), (c), 476.064(4), 476.114(2), 476.134 FS.

LAW IMPLEMENTED: 455.217(1)(b), (c), 476.114(2), 476.134 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0010 Examination for Barber Licensure.

(1) No change.

(2) The following subjects will be tested on the written examination ~~consisting of seventy-five questions~~ and will be weighted approximately as designated:

Category	Weight
(a) through (c) No change.	
(d) Hair Cutting and Hair Styling	15% 10%
(e) through (g) No change.	

(3) No change.

Rulemaking Authority 455.217(1)(b), (c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), (c), 476.114(2), 476.134 FS. History--New 11-12-00, Amended 11-27-02, 4-26-04, 2-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.034
 RULE TITLE: Certification of Tower Specialty Contractors

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the procedures for certification of tower specialty contractors.

SUMMARY: The rule amendment will modify the procedures for certification of tower specialty contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 455.213, 489.108, 189.113(6) FS.

LAW IMPLEMENTED: 489.105(3)(q), 489.113(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.034 Certification of ~~cell~~ Tower Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of ~~cell~~ tower specialty contractors.

(2) Definition. A ~~cell~~ tower specialty contractor is qualified and certified by the board to perform any work involving the construction, repair and alteration of uninhabitable communication or cell towers for purposes of communications, energy, water, or utilities; including construction of accessory use structures not exceeding three stories in height which house related communications equipment.

(3) An applicant for a ~~cell~~ tower specialty contractor certification shall pass the general contractor examination and shall demonstrate experience in the construction, repair and alteration of ~~communication or cell~~ towers and accessory use structures.

(4) through (5) No change.

(6) Certified Cell Tower Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law.

Rulemaking Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113 FS. History-New 6-10-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.003 RULE TITLE: Client

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.317, 473.318, 473.319 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.003 Client.

"Client" shall be deemed and construed to mean the person(s) or entity which retains a certified public accountant or firm licensee for the performance of public accounting services.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.317, 473.318, 473.319 FS. History-New 12-4-79, Formerly 21A-20.03, 21A-20.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.004 RULE TITLE: Enterprise

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.004 Enterprise.

"Enterprise" shall be deemed and construed to mean any person(s) or entity, whether organized for profit or not, for which a certified public accountant or firm licensee provides public accounting services.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 12-4-79, Formerly 21A-20.04, 21A-20.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0051
RULE TITLE: Assembled Financial Statements

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide the correct citation for “assembled financial statements.”

SUMMARY: The correct citation for “assembled financial statements” will be provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.302, 473.322 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0051 Assembled Financial Statements.

(1) No change.

(2) The term “assembled financial statements” refers to any financial statements included in Section 473.302(8)(7)(c), F.S.

(3) No change.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS, ss. 1, 12, Ch. 98-340, Laws of Florida. History—New 10-28-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0052
RULE TITLE: Offer to Perform or Perform Services Involving Assembled Financial Statements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.302, 473.322 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0052 Offer to Perform or Perform Services Involving Assembled Financial Statements.

The term “offer to perform or perform services involving assembled financial statements” as used in Rule 61H1-20.0053, F.A.C., applies to an actively licensed certified public accountant who performs one or more types of services involving the preparation of assembled financial statements including:

(1) through (3) No change.

(4) Being the only certified public accountant licensee involved with providing services involved in the preparation of financial statements.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS, ss. 1, 12, Ch. 98-340, Laws of Florida. History--New 10-28-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0053
RULE TITLE: Standards for Assembled Financial Statements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.302, 473.322 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0053 Standards for Assembled Financial Statements.

A cCertified pPublic aAccountant holding an active license may offer to perform or perform services involving assembled financial statements so long as the cCertified pPublic aAccountant complies with the standards for assembled financial statements, which are as follows:

(1) Understanding with the Entity – The cCertified pPublic aAccountant shall establish a written understanding with the entity regarding the services to be performed. This written

understanding shall include a description of the nature and limitations of the services to be performed. The understanding shall also provide:

(a) No change.

(b) Disclose whether or not the entity preparing the financial statement is or is not licensed by the Florida Board of Accountancy. An example engagement letter is provided for illustrative purposes:

(Appropriate Salutation)

This letter is to confirm our understanding of the terms and objectives of our engagement to provide accounting services during (date), the output of which will be in the form of (monthly/quarterly/other frequency) assembled financial statements.

- We will perform the following services (selected illustrations):
Assist you in recording transactions on a (monthly/quarterly/other frequency) basis.
Prepare a trial balance from your accounts and journals.
Assemble that information in the form of financial statements.
Provide comments of a business advisory nature.

We do not undertake to, and will not, provide any opinion or form of assurance on the financial statements we assemble in connection with these services and, accordingly, we do not undertake to make inquiries or perform other procedures to verify, corroborate, or review information supplied by you. In addition, those statements may (will) contain departures from generally accepted accounting principles or another comprehensive basis of accounting.

Our engagement to assemble financial statements cannot be relied upon to disclose errors, fraud, or illegal acts, including fraud or defalcations that may exist. These assembled financial statements are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

Our fees for these services. . . .

We shall be pleased to discuss this letter with you at any time.

If the foregoing is in accordance with your understanding, please sign the copy of this letter in the space provided and return it to us.

Sincerely yours,

(Signature of cCertified pPublic aAccountant)

Accepted and agreed to:

XYZ Company

President

Date

(2) Any cCertified pPublic aAccountant who offers to perform or performs assembled financial statements must comply with the provisions of Rule 61H1-22.001, F.A.C.

~~(3)~~ Language or style similar to that used in reports as defined in Rule 61H1-20.009, F.A.C., shall be avoided to reduce any possible risk of misunderstanding.

~~(3)~~~~(4)~~ Assembled financial statements are not prepared with an expression of any form of opinion or assurance.

~~(4)~~~~(5)~~ No change.

~~(5)~~~~(6)~~ Before issuing the transmittal letter, the ~~c~~Certified ~~p~~Public ~~a~~Accountant shall read the assembled financial statements and consider whether such financial statements appear to be free from obvious material errors. In this context, the term error refers to mistakes in the assembly of financial statements, including arithmetical or clerical mistakes.

~~(6)~~~~(7)~~ No change.

~~(7)~~~~(8)~~ The transmittal letter shall include the name and license number of the ~~c~~Certified ~~p~~Public ~~a~~Accountant who offers to perform or performs services involving assembled financial statements. If more than one ~~c~~Certified ~~p~~Public ~~a~~Accountant offers to perform or performs such services, then the name and license number of the ~~c~~Certified ~~p~~Public ~~a~~Accountant who assumes responsibility for the statements shall be included. If a Licensed Audit Firm or Public Accounting Firm offers to perform or performs such services, the name and license number of the firm may be utilized instead of the name and license number of an individual ~~c~~Certified ~~p~~Public ~~a~~Accountant.

~~(8)~~~~(9)~~ No change.

~~(9)~~~~(10)~~ If the Licensed Audit Firm, ~~c~~Certified ~~p~~Public ~~a~~Accountant or the ~~c~~Certified ~~p~~Public ~~a~~Accountant employer's is not independent, as defined in Rule 61H1-20.001, F.A.C., the transmittal letter shall disclose the lack of independence.

~~(10)~~~~(11)~~ Transmittal letters may include comments of a business advisory nature to which the ~~c~~Certified ~~p~~Public ~~a~~Accountant wishes to draw the client's attention.

~~(11)~~~~(12)~~ An example standard transmittal letter is provided for illustrative purposes:

(Date)

These assembled financial statements for XYZ Company as of (date) are prepared without an expression of any form of opinion or assurance and they are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

(Comments of a business advisory nature may be included in a separate paragraph(s).

(Signature of Licensed Audit Firm), or

(Signature of Active Certified Public Accountant Licensee)

(State of Issuance and License Number)

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS. History—New 10-28-98, Amended 9-20-00, 8-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0092 RULE TITLE: Government Auditing Standards

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a website by which to obtain the Government Auditing Standards.

SUMMARY: Auditing standards will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.304, 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0092 Government Auditing Standards. "Government Auditing Standards" shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of July 2007 ~~June 30, 2002~~. (Entitled Government Auditing Standards, July 2007 Revision (GAO-07-731G) ~~1994 Revision, and its Amendments entitled Government Auditing Standards Amendment No. 1, Documentation Requirements When Assessing Control Risk at Maximum for Controls Significantly Dependent Upon Computerized Information Systems, GAO/A GAGAS 1, revised May 1999, and Amendment No. 2, Auditor Communication, GAO/A GAGAS 2, revised July 1999~~, available from the United States General Accounting Office, Washington, D.C. 20548-0001) or from its website at <http://www.gao.gov/govaud/ybk01.htm>.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.304, 473.315 FS. History—New 10-28-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0092, Amended 10-19-94, 9-30-97, 9-29-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0093
RULE TITLE: Rules of the Auditor General
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the effective dates and rules of the Auditor General.

SUMMARY: The effective dates and rules of the Auditor General will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0093 Rules of the Auditor General.

(1) "Rules of the Auditor General" shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida in effect as – follows:

Chapter	Title
10.550	Local Governmental Entity Audits, effective 9/30/2009
10.650	Florida State Single Audits Non-profit and For-profit Organizations, effective 9/30/2009

- 10.700 Audits of Certain Nonprofit Organizations, effective 6/30/2009
- 10.800 Audits of District School Board Audits, effective 6/30/2009
- 10.850 Audits of Charter Schools and Similar Entities Audits, effective 6/30/2009

These rules hereby incorporated by reference and are available from the State of Florida, Auditor General’s Office, or from its website at <http://www.myflorida.com/state/fl.us/audgen>, under the Rules and Guidelines section.

(2) Certified public accountants performing accounting services in connection with Local Governmental Entity Audits required to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Rule Chapter 10.550-10.559, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(3) Certified public accountants performing accounting services in connection with Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations required by Section 215.97, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.650, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(4) Certified public accountants performing accounting services in connection with Standards for Audits of Certain Nonprofit Organizations required by Section 215.981(1), 1001.453(4), 1004.28(5), or 1004.70(6), Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.700, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(5) Certified public accountants performing accounting services in connection with Standards for Audits of District School Boards required by Section 11.45 or 218.39, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.800, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(6) Certified public accountants performing accounting services in connection with Standards for Audits of Charter Schools and Similar Entities required by Section 218.39 or 1002.37, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.850, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.010 RULE TITLE: Engagement
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language concerning the certified public accountant.
SUMMARY: Language concerning the certified public accountant will be updated.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.
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: 473.304, 473.314, 473.315, 473.317 FS.
LAW IMPLEMENTED: 473.314, 473.315, 473.317 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.010 Engagement.

“Engagement” shall be deemed and construed to mean the association between a client and a certified public accountant or firm ~~licensee~~ relative to the performance of public accounting services by the certified public accountant or firm ~~licensee~~ for the client.

Rulemaking Specific Authority 473.304, 473.314, 473.315, 473.317 FS. Law Implemented 473.314, 473.315, 473.317 FS. History—New 12-4-79, Formerly 21A-20.10, 21A-20.010, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.013 RULE TITLE: Employee
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language concerning the certified public accountant.
SUMMARY: Language concerning the certified public accountant will be updated.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.
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: 473.304 FS.
LAW IMPLEMENTED: 473.302, 473.309(1)(b), 473.3101 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.013 Employee.

A certified public accountant ~~licensee~~ would be considered an employee of a ~~CPA~~ firm for purposes of Chapter 473 if the certified public accountant ~~licensee~~ has the status of an employee under the usual common law rules applicable in determining the employer-employee relationship. A certified public accountant ~~licensee~~ may be leased ~~licensed~~ to a ~~CPA~~ firm through an employee leasing company as defined in Section 443.036(16), F.S., as long as the ~~CPA~~ firm has the power to hire and fire, has complete supervision and control over the certified public accountant’s ~~licensee’s~~ work product, and accepts the certified public accountant ~~licensee~~ as its responsibility for purposes of complying with Rule 61H1-26.002, F.A.C.

Rulemaking Specific Authority 473.304, FS. Law Implemented 473.302, 473.309(1)(b), 473.3101 FS. History–New 10-17-90, Formerly 21A-20.013, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.016
RULE TITLE: Non-CPA Shareholders, Partners, and Members

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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: 473.304 FS., s. 1, Chapter 97-35, Laws of Florida.

LAW IMPLEMENTED: s. 1, Chapter 97-35, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.016 Non-CPA Shareholders, Partners and Members.

(1) For purposes of Chapter 473, F.S., and these rules, the terms non-CPA shareholders, partners, and members shall be deemed and construed to mean natural persons materially participating in the business conducted by the firm and when their participation ceases, their interest shall revert to the firm.

(2) Non-CPA shareholders, partners, and members shall not hold themselves out as ~~c~~Certified ~~p~~Public ~~a~~Accountants ~~or~~ Public Accountants.

Rulemaking Specific Authority 473.304 FS., s. 1, Chapter 97-35, Laws of Florida. Law Implemented s. 1, Chapter 97-35, Laws of Florida. History–New 2-5-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee
61K1-1.005	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
61K1-1.0055	Concessionaire; License; Bond
61K1-1.010	Physician; License and Duties; Authority
61K1-1.011	Manager; License; Contract Between Manager and Participant
61K1-1.013	Judge; License and Duties
61K1-1.040	Post-Match Reports Required to be Filed; Penalty for Late Filing

PURPOSE AND EFFECT: To update language, incorporate forms by reference and how to obtain the forms.

SUMMARY: To update and incorporate State of Florida, Boxing Commission forms, and to bring the rules into compliance with statutory requirements.

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: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.008, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.043, 548.046, 548.057, 548.066, 548.071, 548.075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61K1-1.003 Licenses, Permit; Requirement, Procedure and Period, Fee.

(1) License; Requirement, Procedure and Period, Fee.

(a) through (b) No change.

1. All applications for a license shall be in writing on a form provided by the commission and available at the commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>, verified by the applicant, complete and have any required attachments, and accompanied by the required fee. An applicant for a license as an announcer, booking agent, concessionaire, foreign copromoter, judge, manager, matchmaker, participant, physician, promoter, referee, representative of a booking agent, second, timekeeper or trainer shall utilize Form BPR-0009-450, entitled "Application for License" (1/10), incorporated herein by reference. The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html> and effective June 21, 2004.

2. through 3. No change.

(2) Permit; Requirement, Procedure and Period, Fee.

(a) No change.

(b) Permit Applications – Live Events Held in This State.

1. For live events held in this state, the application for permit accompanied by the required fees shall be submitted by a promoter licensed under Chapter 548, F.S., and shall be required to be on file with the commission at least 7 calendar days prior to the scheduled program of matches. An applicant for a permit shall utilize Form BPR-0009-454, entitled "Application for Permit" (1/10), incorporated herein by reference and effective June 21, 2004. The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

2. No change.

3. The promoter or matchmaker shall be required to provide the proposed fight card not later than 7 calendar days prior to the proposed date of the program. The promoter or matchmaker shall utilize Form BPR-0009-456, entitled "Proposed Fight Card" (1/10), incorporated herein by

reference. The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

Once a promoter has identified a licensed matchmaker for a specific program of matches, any proposed matches submitted by the promoter will be deemed to be received from the matchmaker. The promoter or matchmaker will be allowed to propose additional matches until 12 noon on the day prior to the scheduled program of matches. After such time, matches may only be proposed if records can be verified to the satisfaction of the executive director and prior to the conclusion of the weigh-in. At the conclusion of the weigh-in no further matches may be proposed or approved. The executive director shall review the proposed fight card and, if he determines that all the proposed matches meet the requirements of Chapter 548, F.S., and the rules set forth herein, he shall approve the proposed fight card or match(es). If the executive director determines that the proposed fight card or match(es) is not in compliance with Chapter 548, F.S., or the rules set forth herein, the executive director shall not approve the proposed fight card and shall immediately advise the promoter or matchmaker that the proposed fight card has been disapproved and the reasons for the disapproval. Approvals and disapprovals may be communicated for individual matches comprising the proposed fight card.

4. through 7. No change.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.046, 548.057, 548.066 FS. History—New 2-7-85, Amended 11-24-85, Formerly 7F-1.03, Amended 4-6-89, 8-28-89, 5-13-90, Formerly 7F-1.003, Amended 9-10-95, 4-3-00, 6-21-04,_____.

61K1-1.004 Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee.

(1) No change.

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

(f) The participant shall ~~be required to~~ complete a participant information form which shall be provided by the commission. The participant shall utilize Form BPR-0009-455, entitled "Participant Information and Medical Sheet" (1/10), incorporated herein by reference. This form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016 effective June 21, 2004. The participant shall submit a completed Form BPR-0009-665, entitled "Dilated Ophthalmological Exam" (1/10), incorporated herein by reference. This form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>. Any participant who refuses to submit either of these completed forms ~~complete this form~~ shall not be allowed to engage in any match in Florida.

(g) No change.

(3) Pre-Match Physical of Participant and Referee.

(a) Each participant shall, at the time of the weigh-in, be examined by a physician. The physician shall certify in writing the participant's physical condition and a professional assessment as to whether or not the participant may engage in the match. The physician shall, prior to the match, file with the commission representative a written report of examination of the participant, which report shall state whether or not, in the opinion of the physician, the participant is physically fit to engage in the match. No participant shall be permitted to engage in a match unless he has been examined and pronounced fit to do so by a physician. Physicians shall utilize the information provided on the front and complete the reverse side of Form BPR-0009-455, entitled "Participant Information and Medical Sheet" (1/10), incorporated herein by reference ~~and effective June 21, 2004.~~

(b) through (f) No change.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History—New 2-7-85, Amended 11-24-85, Formerly 7F-1.04, Amended 4-6-89, 8-28-89, 1-1-90, 5-13-90, 1-9-91, Formerly 7F-1.004, Amended 9-10-95, 4-3-00 6-21-04, 3-15-10,_____.

61K1-1.005 Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.

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

(c) Ownership of Promoter License.

1. No change.

2. Any license issued to and in the name of a corporation shall not be transferable or assignable to another. If such corporation is no longer in business or no longer operates as the corporation, the license shall become void. If any officer of the corporation is added or deleted, the licensee shall, within 10 calendar days, notify the commission of such addition or deletion. A newly added officer shall be required to submit an Application for ~~Promoter or Foreign Copromoter~~ License.

3. No change.

(d) through (e) No change.

1. through 3. No change.

4. A bond or additional bond shall be acceptable if the following conditions are met:

a. The bond or additional bond shall be on a form provided by the commission and shall have attached a power of attorney, which power of attorney shall not have an expiration date. The promoter shall use Form BPR-0009-465, entitled "Surety Bond for Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990,~~ and shall use Form BPR-0009-472, entitled "Additional Surety Bond for Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990.~~ The forms can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

b. through d. No change.

(I) through (III) No change.

5. Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:

a. through d. No change.

(I) through (III) No change.

(IV) A period of 1 year has elapsed since the security was deposited with the commission.

e. The promoter shall use Form BPR-08-468, entitled "Security in Lieu of Bond for Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990,~~ and shall use Form BPR-08-471, entitled "Additional Security in Lieu of Bond for Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990.~~ The forms can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

(2) Duties and Conduct.

(a) through (b) No change.

1. through 2. No change.

(c) No change.

(d)1. Contracts between each participants and the promoter for each bout shall be filed with the commission no later than at the time of weigh-in and shall be on Form BPR 466, entitled "Letter of Agreement Between Promoter and Participant" (1/10), incorporated herein by reference. The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>., and shall contain:

a. The name of each licensed promoter and each both participants;

b. through h. No change.

2. Once the contracts are filed and after determination that they are in compliance with these rules, each contract will be affixed with the signature of the commission representative.

(e) through (h) No change.

(i) The promoter shall be responsible for ensuring that each participant scheduled to be engaged in a match shall have received any medical examination deemed necessary by the commission through its executive director, and that an ophthalmic examination has been performed within the immediate past 12-month period. The results of the examinations shall be filed with the commission prior to the match. The promoter shall submit Form BPR-0009-665, entitled "Dilated Ophthalmological Exam" (1/10), incorporated herein by reference, participant and examining professional shall utilize Form BPR 0009 455, entitled "Participant Information and Medical Sheet" (1/10), incorporated herein by reference, and effective June 21, 2004 or a forms submitted by an ophthalmologist providing

submitted by the examining professionals which forms provides the same information as required in Form BPR-0009-665 ~~Form BPR-0009-455~~ and Form BPR-0009-665 can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

(j) through (u) No change.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.028, 548.032, 548.037, 548.046, 548.049, 548.05, 548.052, 548.053, 548.054, 548.056, 548.058, 548.06, 548.061, 548.064, 548.066, 548.071 FS. History–New 2-7-85, Amended 11-24-85, Formerly 7F-1.05, Amended 4-6-89, 8-28-89, 1-1-90, 5-13-90, 1-9-91, Formerly 7F-1.005, Amended 9-10-95, 4-3-00, 6-21-04, _____.

61K1-1.0055 Concessionaire; License; Bond.

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

(2) Bond.

(a) through (b) No change.

1. A bond shall be acceptable if the following conditions are met:

a. The bond shall be on a form provided by the commission and shall have attached a power of attorney, which power of attorney shall not have an expiration date. The concessionaire shall use Form BPR-0009-465, entitled "Surety Bond For Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990.~~ The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

b. through d. No change.

2. a. through d. No change.

e. The concessionaire shall use Form BPR-08-468, entitled "Security in Lieu of Bond for Promoter" (1/10), incorporated herein by reference ~~and effective May, 1990.~~ The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.002, 548.011, 548.015, 548.025, 548.026, 548.028, 548.06, 548.061, 548.064, 548.071 FS. History–New 6-1-04, Amended _____.

61K1-1.010 Physician; License and Duties; Authority.

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

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

(d) Whenever a knockout occurs in any match, the physician shall examine the participant knocked out at the time of the knockout and in the dressing room immediately after the match. In the event of a knockout or other serious injury, the physician shall remain on the premises to provide medical

attention as needed. When the physician is satisfied that the injured or knocked out participant has recovered to the extent that the physician releases the participant from the physician's care, the physician shall, prior to releasing participant, instruct participant as to the danger signs of which the participant should be aware and which would indicate the need to seek immediate medical attention. The physician shall give to the injured participant Form BPR-0009-458, entitled "Post-Match Physical Examination Report" (1/10) ~~Danger Signs~~, incorporated herein by reference ~~and effective May, 1990.~~ The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016.

(e) No change.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.021, 548.046, 548.047, 548.056 FS. History–New 2-7-85, Formerly 7F-1.10, Amended 5-8-88, 4-6-89, 5-13-90, Formerly 7F-1.010, Amended 9-10-95, 4-3-00, 6-1-04, _____.

61K1-1.011 Manager; License; Contract Between Manager and Participant.

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

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

(g) Professional debut certification shall be made to the executive director or commission representative prior to or at the time of the weigh-in by completing and signing Form BPR-0009-481, entitled the "Pro Debut Release Form" (1/10) ~~as incorporated herein by reference herein effective 6-1-04.~~ The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

(h) through (j) No change.

(3)(a) through (f) No change.

(g) All contracts entered into in Florida between a manager and a participant, and all such contracts entered into outside of Florida involving participants and managers licensed by or subsequently licensed by the commission, shall expressly contain all provisions specifically as worded in Form BPR-0009-451, entitled "Letter of Agreement Between Participant and Manager" (1/10), incorporated herein by reference ~~and effective May, 1990,~~ and if they do not, shall be deemed to contain such provisions as required by Section 548.05(2), F.S. The form can be obtained from the Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, or at the Commission's website at: <http://www.myfloridalicense.com/dbpr/pro/sbc/index.html>.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.05, 548.053, 548.054, 548.056, 548.057, 548.058 FS. History–New 2-7-85, Amended 11-24-85, Formerly 7F-1.11, Amended 4-6-89, 8-28-89, 1-1-90, 5-13-90, 1-9-91, Formerly 7F-1.011, Amended 9-10-95, 4-3-00, 6-1-04, _____.

(3) The clinical (or practical) portion of the examination consists of two parts. One part of the clinical examination shall consist of a computer based assessment involving simulated patients and one part of the clinical examination shall consist of a patient based assessment.

(a) No change.

1. A final grade of 75% or better is required to pass the simulated patient part of the clinical examination. Passing scores earned on the Florida certified computer based assessment provided to obtain North East Regional Board of Dental Examiners, Inc. status can be used to fulfill this requirement if the examination was taken after January 6, 2010.

2. through 4. No change.

(c) No change.

(4) through (11) No change.

Rulemaking Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007, 466.009(3) FS. History—New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05, 12-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.017 RULE TITLE: Acceptable Variance of Examiners

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

SUMMARY: The rule amendment will delete unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 466.004(3), 466.006(4)(b)5. FS.

LAW IMPLEMENTED: 466.006(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.017 Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. ~~However, a score of 0 or 1 that is not corroborated by another score of either 0 or 1 will be discarded and will not be used in averaging. A critical difference score, which means there is one score that is either pass or fail while the other two scores are in the opposite pass/fail category, will be discarded and will not be used in averaging. The critical difference analysis shall precede the discarding of the uncorroborated 0 or 1. On the clinical examinations described in Rules 64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant's final grade on each procedure of the clinical examination.~~ On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.

(2) through (3) No change.

~~Rulemaking Specific~~ Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History—New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended 10-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-12.013 RULE TITLE: Continuing Education Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify continuing education credit requirements.

SUMMARY: The rule amendment will add new language to clarify continuing education credit requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i),(bb) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (h) No change.

(i) By participating as an anesthesia inspection consultant, a licensee may receive two hours of continuing education credit each biennium.

(4) through (6) No change.

Rulemaking Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History--New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05, 2-14-06, 12-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.005
 RULE TITLE: Remediable Tasks Delegable to Dental Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify remediable tasks delegable to dental assistants.

SUMMARY: The rule amendment will add new language to clarify remediable tasks delegable to dental assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 466.004(4), 466.024(3) FS.

LAW IMPLEMENTED: 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

(a) through (r) No change.

(s) Apply bleaching solution, active light source, monitor and remove in-office bleaching materials;

(2) through (5) No change.

Rulemaking Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, 4-22-03, 7-13-05, 3-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.006
 RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify remediable tasks delegable to a dental hygienist.

SUMMARY: The rule amendment will add new language to clarify remediable tasks delegable to a dental hygienist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:

(a) through (h) No change.

(i) Apply bleaching solution, activate light source, monitor and remove in-office bleaching materials;

(2) through (5) No change.

Rulemaking Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, 7-13-05, 2-14-06, 3-24-08, 7-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-27.006
 RULE TITLE: Biennial Renewal Fee for Massage Therapist

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for licensure and renewal.

SUMMARY: The rule amendment will reduce the fees for licensure and renewal.

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: 480.035(7), 480.044(1) FS

LAW IMPLEMENTED: 480.044(1), (1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.006 Biennial Renewal Fee for Massage Therapist.

The fee for biennial renewal of a massage therapist's license shall be \$~~150.00~~ 100.00.

Rulemaking Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1), (1)(f) FS. History--New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, Amended 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-27.007
 RULE TITLE: Biennial Renewal Fee for Massage Establishments

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for licensure and renewal.

SUMMARY: The rule amendment will reduce the fees for licensure and renewal.

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: 480.035(7), 480.044(1) FS

LAW IMPLEMENTED: 480.044(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.007 Biennial Renewal Fee for Massage Establishments.

The fee for biennial renewal of a massage establishment license shall be \$100.00 ~~150.00~~.

Rulemaking Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History–New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-27.008
 RULE TITLE: Initial Fee for Licensure

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for licensure and renewal.

SUMMARY: The rule amendment will reduce the fees for licensure and renewal.

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: 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 480.044(1)(e) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.008 Initial Fee for Licensure.

(1) Any person who is initially licensed pursuant to Rule 64B7-25.001, F.A.C., shall pay a fee of \$100.00 ~~150.00~~.

(2) Any person who is initially licensed pursuant to Rule 64B7-25.004, F.A.C., shall pay a fee of \$100.00 ~~150.00~~.

Rulemaking Specific Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History–New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-27.010
 RULE TITLE: Renewal Fee for Inactive License

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for licensure and renewal.

SUMMARY: The rule amendment will reduce the fees for licensure and renewal.

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: 480.0425, 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1), (1)(l) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.010 Renewal Fee for Inactive License.

The fee for renewal of an inactive license shall be \$100.00 ~~150.00~~.

Rulemaking Specific Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1), (1)(l) FS. History–New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:

64B7-27.012 Licensure of Establishment Fee

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for licensure and renewal.

SUMMARY: The rule amendment will reduce the fees for licensure and renewal.

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: 456.013(2), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 480.044 (1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.012 Licensure of Establishment Fee.

The fee for licensure of an establishment shall be \$100.00 ~~150.00~~.

Rulemaking Specific Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044 (1)(d) FS. History–New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, 7-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-9.001 Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish the amount of continuing education credit that will be given for college courses.

SUMMARY: The amount of continuing education credit that will be given for college courses will be established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below. The following is a summary of the SERC:

- (1) An estimate of the number of licensed physical therapists and physical therapist assistants is 16,107. Only licensees taking courses from an accredited physical therapy program to obtain a higher degree would be affected by the proposed amendment.
- (2) The only costs to be incurred are rulemaking costs.
- (3) No effect on state or local revenue is expected.
- (4) No transactional costs are expected to be incurred by

applicants or other entities. (5) The proposed change is not expected to impact small business, small counties or small cities.

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: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) Every person licensed pursuant to Chapter 486, F.S., shall be required to complete twenty-four contact hours of continuing education courses approved by the Board in the twenty-four months preceding each biennial renewal period as established by the Department. With the exception of the required courses in the prevention of medical errors and HIV/AIDS. However, applicants who become licensed in the second half of the biennium are exempt from this continuing education requirement for their first renewal.

(2) through (5) No change.

(6) The Board approves for continuing education credit:

(a) Courses sponsored by a program in physical therapy at a college or university which provides a curriculum for training physical therapists or physical therapist assistants, when approved by the physical therapy or physical therapy assistants program, which is accredited by, or has status with an accrediting agency approved by the United States Department of Education. One credit hour is the equivalent of one contact hour.

(b) Courses sponsored or approved by the American Physical Therapy Association or any of its components.

(c) through (f) No change.

(7) through (8) No change.

Rulemaking Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06, 2-17-08, 5-21-09, 8-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-19.002	Definitions
64E-19.004	Requirements for Premises
64E-19.006	Piercing Procedures
64E-19.007	Other Operations

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate standards to fulfill the intent of Section 381.0075, F.S., and to remove standards that were time-limited. The incorporated language will maintain consistency with statutory language, provide flexibility to body piercers who pierce with devices other than needles, and remove language that is now superfluous.

SUMMARY: Areas addressed encompass devices used to pierce the skin, building and equipment requirements, and training of operators and piercers.

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: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10), (11) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ed Golding, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-19.002 Definitions.

(1) through (11) No change.

(12) “Instruments” – means hand pieces, ~~needles~~, and other tools that may come in contact with a customer’s body or be exposed to body fluids during body-piercing procedures.

(13) through (19) No change.

(20) “Single use” – means products or items that are intended for one-time, one-person use and are disposed of after use on each customer such as, cotton swabs or balls, tissues or

paper products, paper or plastic cups, gauze and sanitary coverings, razors, instruments that pierce the skin, piercing needles, scalpel blades, and protective gloves.

(21) through (22) No change.

Rulemaking Specific Authority 381.0075(10) FS. Law Implemented 381.0075(10) FS. History–New 1-24-00, Amended _____.

64E-19.004 Requirements for Premises.

(1) through (14) No change.

~~(15) Body piercing salons not in full compliance with the building and equipment requirements of this section on the effective date of this chapter, shall have six months from the effective date of this chapter to comply with these requirements; provided that no complaints of injury validated by the department are reported to the department during that time period; further provided that no uncorrected sanitary nuisances, as defined by Chapter 386, F.S., occur at the salon during that time period. This subsection does not apply to temporary establishments.~~

Rulemaking Specific Authority 381.0075(10) FS. Law Implemented 381.0075(10), (11) FS. History–New 1-24-00, Amended _____.

64E-19.006 Piercing Procedures.

(1) through (3) No change.

(4) Only jewelry and instruments single use needles that are sterilized and free of nicks, scratches, or irregular surfaces, and prepackaged single use sterile gauze or cotton swabs shall be used in piercing procedures. Jewelry must meet the requirements of subparagraph 381.0075(11)(a)5., F.S.

(5) through (8) No change.

Rulemaking Specific Authority 381.0075(10) FS. Law Implemented 381.0075(10), (11) FS. History–New 1-24-00, Amended 1-28-03, _____.

64E-19.007 Other Operations.

(1) through (5) No change.

(6) Training.

(a) through (c) No change.

(d) Operators and piercers must complete the required training prior to assuming responsibilities in a salon, according to the following time frames:

~~1. Operators hired on or after the effective date of this chapter must complete the required training prior to assuming responsibilities in a salon.~~

~~2. Operators and piercers hired before the effective date of this chapter must complete the required training prior to a salon being licensed.~~

Rulemaking Specific Authority 381.0075(10) FS. Law Implemented 381.0075(7), (10), (11) FS. History–New 1-24-00, Amended 1-28-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Golding, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-1.004 Definitions

PURPOSE AND EFFECT: The purpose of the proposed rule change is to better manage hunting opportunities in Florida by allowing additional choices of methods of take. The effect would be to allow the use of crossbows during the archery season as authorized by Commission rules.

SUMMARY: The proposed rule would allow the use of crossbows during archery seasons on lands otherwise not established as a wildlife management area, wildlife and environmental area or miscellaneous area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

- (1) through (9) No change.
- (10) Archery season – The calendar period during which certain game may be taken only by the use of a bow or crossbow when authorized by Commission rules.
- (11) through (99) No change.

PROPOSED EFFECTIVE DATE: January 1, 2011.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-15-81, 11-17-81,6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94,7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, 10-23-08, 7-1-10, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-12.002	General Methods of Taking Game; Prohibitions

PURPOSE AND EFFECT: The purpose of the proposed rule change is to better manage hunting opportunities in Florida by allowing additional choices of methods of take. The effect would be to allow the use of crossbows during archery seasons as authorized by Commission rules.

SUMMARY: The proposed rule would allow the use of crossbows during archery seasons on lands otherwise not established as a wildlife management area, wildlife and environmental area or miscellaneous area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.002 General Methods of Taking Game; Prohibitions.

- (1) through (2) No change.
- (3) Game birds, crows or game mammals may be taken with any of the following:
 - (a) through (c) No change.

(d) Bow or crossbow.

1. through 3. No change.

4. The take of game, except migratory birds, with any gun other than a bow or crossbow is prohibited during any special archery season.

5. No change.

(e) No change.

(4) through (9) No change.

PROPOSED EFFECTIVE DATE: January 1, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, mended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended 7-1-05, 7-1-06, 7-1-08, 10-23-08, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.004
 RULE TITLE: General Regulations Relating to Wildlife Management Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to address safety concerns of spring turkey hunters on public lands. The effect of the proposed rule change is to limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons on Wildlife Management Areas.

SUMMARY: The proposed rule would prohibit the use of modern and muzzle loading rifles, handguns, and the use of shot with a diameter larger than number 2 shot for taking wild turkey during the spring turkey season on Wildlife Management Areas. The intent of this rule is to address increasing safety concerns of public land spring turkey hunters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

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 hours before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.004 General Regulations Relating to Wildlife Management Areas.

(1) through (5) No change.

(6) Guns:

(a) through (e) No change.

(f) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

(g)(f) No change.

(7) through (15) No change.

PROPOSED EFFECTIVE DATE: January 1, 2011.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 379.354 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09, 7-1-10, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.006
RULE TITLE: Regulations Relating to Miscellaneous Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to better manage fish and wildlife resources and public hunting on miscellaneous areas. The effects of the proposed rule changes are to limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons on all miscellaneous areas managed by FWC; to prohibit the use crossbows during archery season on all miscellaneous areas managed by FWC; and to delegate the authority to manage hunting and fishing opportunities to the Preserve Manager on Babcock Ranch Preserve, consistent with the Babcock Ranch Preserve Act, the Management Agreement and legislative intent to further the purposes of the Preserve. This amendment will allow the Preserve Manager the opportunity to accrue revenue by instituting hunting and fishing opportunities envisioned by the Recreation Master Plan within the constraints of the approved Management Plan and statewide regulatory hunting framework. These opportunities would be subject to oversight of Commission staff and the Florida Division of Forestry. This proposed rule amendment does not apply to that portion of the Preserve owned by Lee County. Interim public hunting opportunities currently offered by the Commission will continue until the Preserve Manager is able to assume this role.

SUMMARY: The proposed rule changes would revise or establish specific area regulations on miscellaneous areas as follows:

Kissimmee River Public Use Area – The proposed rule changes would limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons; and to prohibit the use crossbows during archery season.

Babcock Ranch Preserve – The proposed rule changes would limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons and prohibit the use crossbows during archery season

on the FWC managed hunting area; clarify that the Preserve Manager (Babcock Ranch Management, LLC, or any successor as authorized by Section 259.1053, F.S.) may authorize public access and use in addition to the access and use currently allowed in the FWC hunt area, establish the framework and sideboards within which the Preserve Manager may issue permits or authorizations for the take of fish and wildlife. Any authorizations must be consistent with the approved management plan and additional conditions that will apply include the issuance of a written permit which outlines the provisions of the hunting opportunity and that any authorization must comply with the zonal seasons, bag limits and methods of take.

Kissimmee Chain of Lakes Area – The proposed rule changes would limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons; and to prohibit the use crossbows during archery season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not __X__have an impact on small business. A SERC has ___ or has not __X__ been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

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 hours before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.006 Regulations Relating to Miscellaneous Areas.

- (1) No change.
- (2) Kissimmee River Public Use Area.
- (a) through (b) No change.
- (c) General regulations:

1. Taking wildlife with guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Taking wildlife with centerfire rifles is prohibited. Taking wildlife with crossbows is prohibited during the archery season. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the zonal muzzleloading gun season, only bows and muzzleloading guns may be used during the antlered deer season, and only bows and muzzleloading guns may be used during other established seasons. The possession of guns shall be prohibited in the marshes and uplands in the northern portion of Bluff Hammock lying in the west 1/2 of Section 26 and the east 1/2 of Section 27, Township 34 South, Range 31 East, which are posted as closed to possession of guns.

- 2. through 9. No change.

10. Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

- (3) Babcock Ranch Preserve.

- (a) Open season (in the FWC designated hunting area):

- 1. through 8. No change.

(b) The following are the only species of wildlife legal ~~Legal~~ to take within the FWC designated hunting area: All legal game (except quail) and wild hog. One antlered and one antlerless deer may be taken per quota permit during the archery season, family and general gun for mobility-impaired hunts. Only mobility-impaired hunters may take antlerless deer during the general gun for mobility-impaired hunt. One antlered deer may be taken per person and per quota permit during the muzzleloading gun and general gun hunts. One turkey per quota permit may be taken during spring turkey season. Turkey may only be taken during the spring turkey season.

(c) Regulations controlling activities within the FWC designated hunting area: ~~General regulations:~~

~~1. Hunting is prohibited except in the designated hunting area(s).~~

- 2. through 8. renumbered 1. through 7. No change.

~~9. The use of centerfire rifles for taking wild turkey during the spring turkey season is prohibited.~~

- 10. through 13. renumbered 8. through 11. No change.

12. Public access during the open seasons described in paragraph (a) is limited to those persons participating in the hunt.

13.14. Except Outside of the designated hunting area and during periods described in paragraph (a) and subparagraph (c)10. closed to hunting, public access and use is allowed only by Babcock Ranch Management, LLC, or any successor authorized by Section 259.1053, F.S., collectively herein referred to as "Preserve Manager".

14. The Preserve Manager shall authorize the take of fish and wildlife within the FWC designated hunting area pursuant to subparagraph (d)2. except during periods described in paragraph (a) and subparagraph (c)10.

(d) Regulations controlling activities outside the FWC designated hunting area:

1. Outside the FWC designated hunting area, public access and use is allowed only by the Preserve Manager.

2. The Preserve Manager shall authorize the take of fish and wildlife provided all such authorizations shall be consistent with the currently approved management plan, adopted pursuant to Section 253.034, F.S., and the following conditions shall apply:

a. A written authorization or permit issued by the Preserve Manager, in addition to licensing as required by Section 379.354, F.S., shall be required to take fish or wildlife. These authorizations and permits shall be displayed for inspection upon the request of any law enforcement officer.

b. Open season for non-migratory game shall be consistent with zone A as specified in Rule 68A-13.004, F.A.C., in areas and during days specified by the Preserve Manager.

c. Open season for migratory game shall be consistent with Rules 68A-13.003 and 68A-13.008, F.A.C., in areas and during days specified by the Preserve Manager.

d. Open season for non-native species shall be year-round in areas and during days specified by the Preserve Manager.

e. Fishing shall be allowed in areas and during days specified by the Preserve Manager.

f. Legal to take, size limits, bag limits, season dates, locations, method of take and any additional restrictions shall be specified on each authorization or permit issued by the Preserve Manager, provided these authorizations shall not be more liberal than those found in Titles 68 and 68A, F.A.C.

- (4) Kissimmee Chain of Lakes Area.

- (a) through (b) No change.

- (c) General regulations:

- 1. through 14. No change.

15. Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

16. Taking wildlife with crossbows is prohibited during the archery season.

Rulemaking Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History--New 12-9-99, Amended 5-13-02, 5-1-03, 5-23-04, 7-1-06, 7-1-08, 7-1-09, 7-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.004
 RULE TITLE: General Regulations Relating to Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to address safety concerns of spring turkey hunters on public lands. The effect of the proposed rule change is to limit firearms to shotguns utilizing number 2 or smaller diameter shot for taking wild turkey during spring turkey seasons on Wildlife and Environmental Areas.

SUMMARY: The proposed rule would prohibit the use of modern and muzzle loading rifles, handguns, and the use of shot with a diameter larger than number 2 shot for taking wild turkey during the spring turkey season on Wildlife and Environmental Areas. The intent of this rule is to address increasing safety concerns of public land spring turkey hunters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not __X__have an impact on small business. A SERC has ___ or has not __X__ been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (5) No change.

(6) Guns:

(a) through (d) No change.

(e) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

(e) renumbered (f) No change.

(7) through (17) No change.

PROPOSED EFFECTIVE DATE: January 1, 2011.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354, 375.313 FS. History--New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09, 7-1-10, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-24.002
 RULE TITLE: Methods of Taking Fur-Bearing Animals; Possession; Open Season

PURPOSE AND EFFECT: The purpose of the proposed rule is to address the taking of fox or coyote by dog(s) within an enclosure. The proposed rule will define an “enclosure” and prohibit the taking of any fox and/or coyote by a dog or dogs within an enclosure.

SUMMARY: The proposed rule will define an “enclosure” as an area of land enclosed in such a manner as to prevent the natural ingress or egress of fox or coyote. The proposed rule prohibits the taking of any fox and/or coyote by a dog or dogs within an enclosure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will X or will not have an impact on small business. A SERC has X or has not been prepared by the agency.

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, September 1-3, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Pensacola Beach Gulf Front, 12 Via de Luna Drive, Pensacola Beach, Florida 32561

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season.

(1) Certain furbearers and those non-protected mammals as listed in subsection 68A-12.002(9), F.A.C., may be taken by guns, live traps and snares during specified open seasons. Live traps and snares shall be visited at intervals not exceeding 24 hours.

(2) Fur-bearing animals may be taken in accordance with the following:

(a) Raccoon, coyote, opossum, skunk, nutria, beaver and non-protected mammals may be taken throughout the year by the use of guns, dogs, live traps or snares, and may be possessed or transported alive only as authorized by Chapter 68A-6, F.A.C.

(b) Raccoon or opossum may be taken at night by the aid of a light and dogs, with .22 rimfire firearms other than .22 magnum, or with a single-shot .410 gauge shotgun using shot no larger than No. 6 provided that no such firearm shall be loaded at any time except immediately prior to the shooting of a treed or bayed raccoon or opossum. The hunting of raccoon or opossum under the provisions of this paragraph by display or use of a light from a moving vehicle, boat or animal is prohibited.

(c) Bobcat or otter may be taken only from December 1 through March 1 by live traps, guns, dogs or snares. Fox and bobcats may be chased by the use of free-running dogs throughout the year. The taking of any fox and/or coyote by a dog or dogs within an enclosure is prohibited. For the purposes of this subsection, in relation to using dogs for the taking of fox or coyote, an “enclosure” is defined as an area of land enclosed in such a manner as to prevent the natural ingress or egress of fox or coyote. No person shall kill or possess fox unless authorized by permit from the executive director.

(d) The taking or possession of mink, weasel, round-tailed muskrat or Key Vaca raccoon is prohibited.

(3) No person shall use, place, or maintain any set gun or steel trap for the purpose of taking or attempting to take wildlife.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-5-84, 7-1-85, Formerly 39-24.02, Amended 10-8-87, 4-11-90, Formerly 39-24.002, Amended 5-13-02, 7-1-08,_____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Jim Brown, Director, Division of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009