

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of this rule development is to adopt procedures for the Department to calculate each Voluntary Prekindergarten Provider’s Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the annual statewide kindergarten screening for students completing the VPK education program and who are administered the statewide kindergarten screening. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten provider readiness rates.

SUBJECT AREA TO BE ADDRESSED: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.
RULEMAKING AUTHORITY: 1002.69(5) FS.

LAW IMPLEMENTED: 1002.69(5) FS.

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

DATES AND TIMES: October 24, 2011, 4:00 p.m. – 7:00 p.m.; October 26, 2011, 4:00 p.m. – 7:00 p.m.; October 27, 2011, 4:00 p.m. – 7:00 p.m.

PLACES: October 24th – Heart of Florida United Way, 1940 Traylor Blvd., Orlando, FL 32804; October 26th – Early Learning Coalition of Broward County, 6301 N.W. 5th Way, Suite 3400, Ft. Lauderdale, FL 33309; October 27th – Florida Department of Education, Turlington Building, 325 W. Gaines Street, Room 1703, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0445. To submit a comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099824
RULE TITLE: Voluntary Prekindergarten (VPK) Low Performing Provider Good Cause Exemption

PURPOSE AND EFFECT: The purpose of this rule development is to revise procedures and criteria for submission of a Voluntary Prekindergarten (VPK) provider’s request for a good cause exemption and describe the Department’s review process before making a recommendation to the State Board of Education for approval or denial of the good cause exemption request.

SUBJECT AREA TO BE ADDRESSED: Voluntary Prekindergarten (VPK) Low Performing Provider Good Cause Exemption.

RULEMAKING AUTHORITY: 1002.69(7) FS.

LAW IMPLEMENTED: 1002.69(7) FS.

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

DATES AND TIMES: October 24, 2011, 4:00 p.m. – 7:00 p.m.; October 26, 2011, 4:00 p.m. – 7:00 p.m.; October 27, 2011, 4:00 p.m. – 7:00 p.m.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0131
RULE TITLE: Critical Teacher Shortages

PURPOSE AND EFFECT: The purpose of this rule development is to update the rule language to include additional data elements that must be used when analyzing the Critical Teacher Shortage areas. These updates are also being made to be compliant with Senate Bill 736, The Student Success Act.

SUBJECT AREA TO BE ADDRESSED: Critical Teacher Shortage.

RULEMAKING AUTHORITY: 1001.02, 1012.07 FS.

LAW IMPLEMENTED: 1009.58, 1009.59, 1012.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jane Fletcher, Director, Accountability and Policy Research, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0437. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.0031	Reemployment Assessments
6A-22.004	Notice Requirements
6A-22.005	Carrier Referrals for Services
6A-22.006	Screening Process
6A-22.007	Vocational Evaluations
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers' Compensation Administrative Trust Fund

PURPOSE AND EFFECT: The purpose of this rule development is to make the following changes: References to “qualified rehabilitation provider” are revised to “rehabilitation provider,” as the Department no longer is authorized to qualify rehabilitation providers. The following definitions are deleted: subsection 6A-22.001(9), F.A.C., defining Rehabilitation Company; subsection 6A-22.001(10), F.A.C., defining Rehabilitation Facility; subsection 6A-22.001(12), F.A.C., defining Unemployed; subsection 6A-22.001(13), F.A.C., defining vocational evaluator; subsection 6A-22.001(14), F.A.C., defining Vocational specialist. The following rules are to be repealed, as the Department no longer has rulemaking authority for them: Rule 6A-22.002, F.A.C., Rehabilitation provider qualifications; Rule 6A-22.003, F.A.C., Reemployment status review; Rule 6A-22.0031, F.A.C., Reemployment assessments; Rule 6A-22.004, F.A.C., Notice requirements; Rule 6A-22.005, F.A.C., Carrier referral for services; and Rule 6A-22.010, F.A.C., Reporting Services and

Costs; Qualified Rehabilitation Provider and Employer or Carrier Responsibilities. The definition of “Labor market” in subsection 6A-22.001(6), F.A.C., is revised. Reference to forms DWC 21, DWC 22, DWC 96, and File Layouts for Electronic Submission for DWC 21 and DWC 22, is deleted in subsection 6A-22.011(1), F.A.C. Reference to “sponsor,” “sponsored,” and “sponsorship” are replaced with “approve,” “approved,” and “approval” respectively throughout. References to “training,” “education,” and “educational” are revised to “training and education.” An “Individualized Written Plan for Employment” is defined in revised subsection 6A-22.001(5), F.A.C., and is added in Employee Responsibilities, revised paragraph 6A-22.009(1)(b), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Reemployment Services – Workers’ Compensation.

RULEMAKING AUTHORITY: 440.491 FS.

LAW IMPLEMENTED: 440.491 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Reginald L. Watkins, Bureau Chief, 2002 Old St. Augustine Rd., Bldg. A, Tallahassee, FL 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-22.001 Definitions.

(1) “Customary residence” is the injured employee’s place of permanent residence. Whenever the injured employee changes his or her permanent residence, the customary residence changes also.

(2) “Customary vicinity” is the distance traveled by the injured employee from his customary residence to his place of employment at the time of injury.

(3) “Training and Education program” means a formal course of study or a certificate program in a training and education facility, agency or institution operating under Chapters 1004, Parts II, III, and IV, 1005, F.S., or a career and technical education program defined in Section 1003.01(4)(c), F.S., ~~which states: “At the post secondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.”~~ Outside of the State of Florida, a training and an education program shall be approved as governed by comparable statutes of that state.

(4) “Good cause” is termination resulting from employee conduct:

(a) Evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

(5) "Individualized Written Reemployment Program" (IWRP) means a written plan which identifies the injured employee's return to work goals and barriers to employment, the types of reemployment services to be provided, the estimated costs of services, the provider of such services, comparable services from other agencies, and the estimated length of time required to attain the goals of the plan. The plan shall be signed by the injured employee acknowledging their responsibilities in the plan and a Department representative acknowledging the plan was discussed with the injured employee is an individualized written rehabilitation program as defined in the Rehabilitation Act of 1973, 29 U.S.C. §§ 701, et seq.

(6) "Labor market" means the availability of employment within an area not to exceed a fifty (50) mile radius of the injured employee's customary residence.

(7) "On-the-job training (OJT) contractor" is a qualified rehabilitation provider or employee of a public or private agency which has entered into a contract with the Department for the provision of on-the-job development and follow-up services.

(8) "On-the-job training (OJT) contract" is a contract between an employer, injured employee and the Department in which an employer agrees to hire an injured employee subject to the same working conditions and benefits as all other similarly situated employees. Pursuant to the contract, the employer shall provide training and adequate supervision to enable the injured employee to achieve predetermined competencies to assist the injured employee to return to suitable gainful employment.

~~(9) "Rehabilitation Company" means a business entity such as a corporation or partnership which employs or contracts to provide services pursuant to Section 440.491, F.S. All services provided by a carrier or a rehabilitation company under Section 440.491, F.S., shall be provided only by an individual who is a qualified rehabilitation provider or a facility that is a qualified rehabilitation provider. Neither the employment status of the person providing the services, nor the main method of communication in providing the services negates the statutory requirement that a person providing such services must be a qualified rehabilitation provider.~~

~~(10) "Rehabilitation Facility" means an institution or agency accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) for a specific vocational rehabilitation program.~~

~~(9)(11) "Test-site" is a Department approved location that may be inspected by the Department, to be used by a qualified rehabilitation provider for vocational evaluation and assessment services.~~

~~(12) "Unemployed" means that the injured employee is not receiving wages for services or labor performed for an employer.~~

~~(13) A vocational evaluator is:~~

~~(a) A rehabilitation counselor as defined in paragraph 6A-22.002(1)(b), F.A.C., who is qualified thereby to make vocational assessments as herein defined and is employed by the Department; or~~

~~(b) A vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is qualified thereby to perform vocational evaluations as herein defined and in Section 440.491(1)(i), F.S., and is employed by the Department; or~~

~~(c) A vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is approved by the Department to perform vocational evaluations as herein defined and in Section 440.491(1)(i), F.S., and is employed privately.~~

~~(14) "Vocational specialist" means an individual who possesses:~~

~~(a) A master's degree in vocational rehabilitation (counseling, evaluation, adjustment); or~~

~~(b) Is certified by the Commission on Rehabilitation Counselor Certification, or by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists; and~~

~~(c) Is employed by a CARF accredited facility.~~

Rulemaking Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.001, Amended 5-5-04, 5-7-09, _____.

6A-22.002 Rehabilitation Provider Qualifications.

Rulemaking Authority 440.491(7) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.002, Amended 5-5-04, 2-22-05, 5-7-09, Repealed _____.

6A-22.003 Reemployment Status Review.

Rulemaking Authority 440.491(3), (4), (5), (6), (8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.005, Amended 5-7-09, Repealed _____.

6A-22.0031 Reemployment Assessments.

Rulemaking Specific Authority 440.491(7)(e) FS. Law Implemented 440.491 FS. History—New 5-5-04, Repealed _____.

6A-22.004 Notice Requirements.

Rulemaking Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.006, Amended 3-1-05, 5-7-09, Repealed.

6A-22.005 Carrier Referrals for Services.

~~Rulemaking Specific~~ Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.008, Repealed.

6A-22.006 Screening Process.

(1) A request for screening is made using a form DWC-23. Before the Department will consider a request complete and initiate a screening, the injured employee must sign the form DWC-23.

(2) The screening process shall consist of:

(a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and

(b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee's inability to obtain suitable gainful employment because of his injury; and

(c) An interview with the injured employee.

(d) A vocational assessment. The vocational assessment shall determine the relevance and weight of the following factors in the case: the permanent physical restrictions, if any, present in the case; the availability of employment with the employer at the time of the injury; the injured employee's transferable skills and the labor market; whether the injured employee conducted an unsuccessful job search, and the reasons the job search was unsuccessful; the injured employee's education and academic skills and vocational education; the injured employee's motivation; the injured employee's financial ability to complete a training and education program; and the availability of transportation to allow the injured employee to complete a training and education program. The vocational assessment shall determine whether the injured employee is ineligible to receive reemployment services, or is eligible to receive reemployment services. If the injured employee is eligible to receive services, the vocational assessment shall determine which of the following shall be offered to the injured employee: placement, and/or on-the-job training, and/or a vocational an evaluation, and/or a training and education re-training program costing less than \$2,500 and lasting twelve (12) six (6) months or less.

~~(3)(e)~~ A rehabilitation provider counselor or vocational evaluator providing vocational assessments shall:

~~(a)1-~~ Conduct an initial interview with the injured employee;

~~(b)2-~~ Submit to the Department within thirty (30) calendar days of the initial interview a written report which shall address each of the vocational assessment factors enumerated above and discuss how the provision of the recommended service(s) will facilitate reemployment;

~~(c)3-~~ Conduct an exit interview with the injured employee; and

~~(d)4-~~ Submit to the Department within ten (10) days of submission of the written report a statement of acknowledgement of the vocational assessment signed by the injured employee and the rehabilitation provider counselor or vocational evaluator.

~~(4)(3)~~ The carrier shall provide, within 10 business days of receipt of a request from the Department, any medical, vocational, and other requested documents or reports related to the injured employee's workers' compensation case.

~~(5)(4)~~ The Department may request the information directly from the authorized treating physician(s), or qualified rehabilitation provider(s), or obtain the services of an expert medical adviser to identify the injured employee's ability to return to work, permanent impairment rating, and permanent work restrictions.

~~(6)(5)~~ The Department may provide the following vocational assessment services as part of the screening process to determine eligibility: orientation, employability skills training, counseling, vocational testing, transferable skills analysis, labor market surveys, vocational assessment services, job analysis and evaluation.

~~(7)(6)~~ The Department shall not provide any reemployment services, including a vocational evaluation unless the injured employee provides documentation to establish identity and employment eligibility. Such documentation shall be consistent with the acceptable documents for verifying identity and employment eligibility as required by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services' Form I-9, Justice, Immigration and Naturalization Service's Employment Eligibility Verification Form I-9 (Rev. 08/07/09 11-21-94).

~~(8)(7)~~ The Department shall not provide a vocational evaluation or any reemployment services when form DWC-23, which is signed by the injured employee, is received by the Department more than one (1) year from the date of last payment of indemnity benefits or the furnishing of remedial treatment, care, or attendance from the employer or carrier.

~~(9)(8)~~ Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation:

(a) If the injured employee's medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or

(b) If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least ninety (90) calendar days; or

(c) If the injured employee refuses to accept reemployment services from the Department.

(9) The Department shall not refer the injured employee for a vocational evaluation if the injured employee:

(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or

(b) Has no documented permanent physical restrictions related to the injury; or

(c) Has transferable skills which would allow return to work in suitable gainful employment; or

(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or

(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Rulemaking Authority 440.491(6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.009, Amended 5-5-04, 5-7-09,_____.

6A-22.007 Vocational Evaluations.

(1) The provision of Department sponsored vocational evaluations shall be limited to one per injured employee, per date of accident. Vocational evaluations shall be adapted to the specific needs of an injured employee to insure validity.

(2) A vocational evaluator under contract with the Department to provide vocational evaluations shall: The Department shall accept a vocational evaluation only if the vocational evaluation meets the requirements of and contains the information identified in paragraph 6A-22.010(2)(e), F.A.C.:

(a) Ensure any test site used for Department sponsored vocational evaluations meets the definition of “test site” set forth in subsection 6A-22.001(9), F.A.C.; and

(b) Be responsible for the administration, scoring and interpretation of all testing instruments and work samples used as part of the vocational evaluation process; and

(c) Remove or cure conditions that invalidate test results; and

(d) Provide adaptive evaluation tools or techniques to accommodate any physical or functional disability or language barrier; and

(e) Conduct an initial interview with the injured employee; and

(f) Submit to the Department, within thirty (30) calendar days of Department approval of services, a written report which shall:

1. Include an interpretation of testing instruments and work samples used, specifying the form and level of tests, percentile scores, norm groups, grade levels, standard scores and stanine scores as applicable to the test instrument; and

2. Identify the injured employee’s physical and intellectual capabilities, aptitudes, achievements, work related behaviors, and interests. The interests of the injured employee alone cannot be the only basis for the vocational evaluator’s recommendation; and

3. Identify residual or transferable skills; and

4. Identify the most appropriate vocational objectives; and

5. Identify which reemployment service(s) are necessary for the injured employee to return to suitable gainful employment; and

6. Discuss how the provision of the recommended service(s) will facilitate reemployment; and

7. When a training and education program is recommended, include the rationale for the recommended program, the entrance, enrollment and exit requirements of the program, the anticipated program costs and the proximity of the program to the injured employee’s customary residence.

(g) Conduct an exit interview with the injured employee.

(h) Submit to the Department, within ten (10) days of submission of the written report, the original receipt statement signed by the injured employee and the vocational evaluator.

(3) Any rehabilitation provider or employee of the Department or other public or private agencies administering, scoring and interpreting testing instruments shall have the training and education required by the publisher of the testing instrument.

(4) Testing instruments, including work samples, used in vocational evaluations, reemployment assessments or other reemployment service activities may be administered and scored under the supervision of a rehabilitation provider. Testing instruments shall be interpreted by the rehabilitation provider with whom the contract for services is authorized.

(5) When necessary to refer an injured employee to the State Division of Vocational Rehabilitation program established under Chapter 413, Florida Statutes, for a vocational evaluation, the vocational evaluation shall be conducted by persons qualified by and in accordance with the statutes, regulations, rules, policies, and procedures controlling the State Division of Vocational Rehabilitation. Any vocational rehabilitation services resulting from the vocational evaluation shall be provided in accordance with the State Division of Vocational Rehabilitation statutes, regulations, rules, policies and procedures, unless a referral back for reemployment services as defined in Section 440.491(1)(f), Florida Statutes, is made.

Rulemaking Specific Authority 440.491(5); (6);—(8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Formerly 38F-55.010, Amended_____.

6A-22.008 Reemployment Services and Programs.

(1) The Department shall approve ~~sponsorship of~~ reemployment services provided through an on-the-job training program, job placement or a training and education program when recommended in a Department reemployment plan.

(2) When the Department provides a vocational assessment or a vocational evaluation to the injured employee, the vocational assessment or vocational evaluation shall determine the reemployment services, such as are enumerated without limitation in Section 440.491(1)(f), F.S., necessary to return the injured employee to suitable gainful employment. The Department will approve ~~and sponsor~~ reemployment services if:

(a) The vocational assessment or vocational evaluation is completed by a qualified rehabilitation provider counselor or the vocational evaluation is completed by a vocational evaluator approved by the Department, as the case may be; and

(b) The vocational assessment is compliant with paragraph 6A-22.006(2)(d), F.A.C., or

(c) The vocational evaluation contains the information identified in paragraph ~~6A-22.007(2)(f)~~ 6A-22.010(2)(e), F.A.C., and

(d) The vocational evaluation demonstrates that the injured employee:

1. Has no transferable skills which would allow for return to suitable gainful employment with the same employer in the same, different or modified job or a new employer in the same, modified or different job; or

2. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment.

(3) Upon request a rehabilitation provider providing a Department approved reemployment service, including a vocational evaluation, shall make available to the Department information and documentation to certify that the authorized service that was rendered is complete pursuant to this rule.

(4) Failure of a rehabilitation provider providing Department approved reemployment services to submit the written report and additional information and documentation as required by this rule shall result in the:

(a) Reassignment of the case.

(b) Termination of the contract.

(c) Forfeiture of any monies owing at the time of termination of contract.

(5)~~(3)~~ The Department shall approve training and education sponsor/retraining programs which exceed 52 weeks only when there is no program shorter than 52 weeks which would enable the injured employee to return to suitable gainful employment, the injured employee provides a plan for living expenses during the period in excess of 52 weeks; and ~~one of the following conditions apply:~~

~~(a) The injured employee has no formal marketable vocational training and education; or~~

~~(b) The injured employee has documented physical restrictions as a result of the injury.~~

~~(6)~~(4) If the Department determines a training and education program is necessary to return an injured employee to suitable gainful employment, the Department shall have the exclusive right to determine and approve the training and education ~~educational~~ programs and facilities at which to sponsor the injured employee.

(a) For all dates of accidents, training and education programs which only accept students from an applicant pool after the students complete a prerequisite curriculum may be approved only if the injured employee presents evidence of acceptance into such program.

(b) For dates of accident October 1, 1989 through and including September 30, 2003, training and education programs at private training and education facilities shall not be approved unless such recommended training and education is not offered at a public training and education ~~educational~~ facility or provides an overall cost/time savings to the Workers' Compensation System, which can be justified.

1. Baccalaureate or Graduate level studies may be approved only if the training and education program builds capitalizes on prior training and education and/or aptitudes, and

2. The program under consideration firmly establishes marketability toward suitable gainful employment for that injured employee, and

3. The injured employee presents evidence of acceptance into a degree program prior to the Department's Disposition letter of approval, and

4. The program does not exceed the level of a Master's degree.

(c) For dates of accident on or after October 1, 2003 through and including June 30, 2010, only programs which are consistent with the requirements found in Section 440.491(6)(a), Florida Statutes, as effective on October 1, 2003, shall be approved.

(d) For dates of accident on or after July 1, 2010, only training and education programs which are consistent with the requirements found in Section 440.491(6)(a), Florida Statutes, as effective on July 1, 2010, shall be approved. Training and education services secured from additional providers must demonstrate an overall cost / time savings to the Workers' Compensation System.

~~(7)~~(5) The Department shall not transfer its approval sponsorship of reemployment services outside the range of the labor market survey unless the Department determines that the substantially same services are available in the location to which they would be transferred ~~a labor market survey for the new area supports the specific recommendation of the vocational evaluation.~~

~~(8)(6)~~ The Department shall not approve sponsor reemployment services if the vocational evaluation does not recommend reemployment services.

Rulemaking Authority 440.491~~(5)~~; (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.011, Amended 3-1-05, 5-7-09,_____.

6A-22.009 Employee Responsibilities.

(1) Upon approval of Department sponsored reemployment services, the injured employee and Department staff shall sign and date:

(a) ~~A~~ A Department and student agreement for approval sponsorship of training and education form DWC-24, which is incorporated by reference in Rule 6A-22.011, F.A.C., and

(b) An Individualized Written Reemployment Plan.

~~(2) An employee who refuses retraining and education after the recommendation of a vocational evaluator and approval by the Department, will forfeit his or her entitlement to further training and education benefits, as well as additional payment for lost wages under Chapter 440, F.S. The following shall not be deemed a refusal of training and education:~~

~~(a) Failure to participate in a recommended retraining program due to medical instability; or~~

~~(b) Failure to participate in a recommended retraining program due to an adverse change in the employee's medical status; or~~

~~(c) Failure to participate in a recommended retraining program due to the school's failure to offer the approved program; or~~

~~(d) Failure to participate in a recommended retraining program due to a family medical emergency.~~

Rulemaking Authority 440.491~~(5)~~; (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.012, Amended 3-1-05, 5-7-09,_____.

6A-22.010 Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities.

Rulemaking Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.013, Amended 5-5-04, 5-7-09, Repealed_____.

6A-22.011 List of Forms.

(1) Forms ~~DWC-21, Reemployment Services Billing Form; DWC 22, Reemployment Status Review Form; DWC-23, Request for Screening; and DWC-24 Department and Student Agreement for Approval Sponsorship of Training and Education; DWC-96, Qualified Rehabilitation Provider Application; File Layout for Electronic Submission, Revision A Record Length: 1000 Header Record Layout for DWC-22, and File Layout for Electronic Submission, Revision C Record Length: 1200 Header Record Layout for DWC-21~~ and accompanying instructions are incorporated by reference as

part of this rule to become effective with the effective date of this rule. Each form shall be typed or legibly completed in order for the form to be considered properly filed or submitted with the Department.

~~(a) The carrier shall submit the form DWC-21 to the Department.~~

~~(b) Reemployment status review form shall be submitted to the Department on form DWC-22.~~

~~(a)(e)~~ Request for screening form shall be submitted to the Department on form DWC-23.

~~(b)(d)~~ Department and student agreement for approval sponsorship of training and education form shall be completed on form DWC-24.

~~(e) Qualified rehabilitation provider application shall be submitted to the Department on form DWC-96.~~

(2) A copy of the forms and accompanying instructions incorporated by subsection 6A-22.011(1), F.A.C., may be obtained from the Department of Education, Division of Vocational Rehabilitation, Bureau of Rehabilitation and Reemployment Services, 2002 Old St. Augustine Road, Building A 2728 Centerview Drive, Suite 101A, Forrest Building, Tallahassee, Florida 32301-4862 32399-0400. Copies are also available at the following Department web site: <http://www.rehabworks.org/index.efm?fuseaction=Submain.WorkersComp>.

Rulemaking Authority 440.491~~(5)~~; (6), ~~(7)~~ FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.014, Amended 5-5-04, 5-7-09,_____.

6A-22.012 Expenditures from the Workers' Compensation Administrative Trust Fund.

(1) The Department shall authorize reimbursement for reemployment services received from qualified rehabilitation providers from the Workers' Compensation Administration Trust Fund at a maximum rate of \$55.00 per hour. The total reimbursement for a vocational ~~an~~ evaluation may not exceed \$1,100.00 per vocational evaluation.

(2) The Department shall expend funds from the Workers' Compensation Administration Trust Fund only:

(a) For vocational evaluations and training and education retraining for dates of accident on or after October 1, 1989 through December 31, 1993, and

(b) For vocational evaluations, training and education and reemployment services authorized by the Department pursuant to Chapter 6A 22, F.A.C., for dates of accident on or after January 1, 1994.

(3) The maximum cost the Department shall expend for an approved training and education retraining plan shall not exceed 85% of the injured employee's pre-injury average weekly wages as calculated on an annual basis, which amount shall include:

(a) Pre-approved costs for fees, tuition, books and special supplies required by the approved training and education program curriculum, and

(b) Pre-approved costs for board, lodging, and travel at the rate currently allowed for state employees when an approved training and education program requires temporary relocation for participation, or

(c) Pre-approved mileage reimbursement at the rate currently allowed for state employees for mileage to the training and education facility in excess of 50 miles, one-way, using the most direct route from the injured employee's customary residence. Mileage expense will not be reimbursed or paid by the Department when the training and education facility is less than 50 miles from the injured employee's customary residence at the time of approval for training and education.

(4) The Department shall pay from the Workers' Compensation Administration Trust Fund the direct costs to employers for on-the-job training according to the reimbursement schedule negotiated in the on-the-job training contract.

(5) The Department shall not reimburse or pay for any reemployment services independently initiated or obtained by the injured employee without prior written approval from the Department of the proposed reemployment plan recommending such reemployment services, including any expenses associated with training and retraining or education.

(6) The Department shall reimburse travel associated with the provision of reemployment services at a rate not to exceed one-half (1/2) the professional rate at which the services were contracted.

(7) The Department shall have exclusive jurisdiction over any dispute involving a claim made against it or the Workers' Compensation Administration Trust Fund for reemployment services, vocational evaluations, training and education, and rehabilitation.

(8) The Office of the Judge of Compensation Claims shall have jurisdiction over claims relating to additional temporary total disability compensation provided in Section 440.491(6)(b), F.S.

Rulemaking Authority 440.491~~(5), (6), (7), (8)~~ FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended 12-2-98, 6-26-01, Formerly 38F-55.015, Amended 5-7-09, _____.

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.160
RULE TITLE: Operation of Telecommunication Relay Service

PURPOSE AND EFFECT: Rule 25-4.160, F.A.C., would be amended to clarify that county agencies are excluded from paying the Telecommunications Access System Act (TASA) surcharge as set forth in the rule.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 427.704(8) FS.

LAW IMPLEMENTED: 427.704(4), (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.160 Operation of Telecommunications Relay Service.

(1) through (2) No change.

(3) To fund the telecommunications access system established under Part II of Chapter 427, F.S., all local exchange telecommunications companies shall impose a monthly surcharge on all local exchange telecommunications company subscribers, excluding federal, ~~and~~ state, and county agencies, on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

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

(4) No change.

Rulemaking ~~Specific~~ Authority 427.704(8) FS. Law Implemented 427.704(4), (5) FS. History--New 9-16-92, Amended 4-8-98, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-1.607, 40D-1.659
RULE TITLES: Permit Processing Fee, Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to eliminate the \$91 fee for transferring an Environmental Resource Permit upon a change in property ownership, list the updated permit transfer form which is revised to eliminate any reference to a fee, and clarify the fee for permit applications that are resubmitted after being withdrawn or denied. The effect will be to reduce costs to the public associated with such permit transfers and application resubmittals.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.109, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(2), 373.705, 373.707, 668.50 FS.

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC# 2011047)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to list the updated versions of several Environmental Resource Permitting application forms and permit compliance forms that are being amended by the District. Amendments are made to the forms to clarify that they may be submitted by licensed or registered professionals in addition to professional engineers, when appropriate and in accordance with applicable law.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.705, 373.707, 668.50 FS.

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

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: Southwest Florida Water Management District

Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Senior Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, Ext. 4660 (OGC #2011045)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-3.321	Duration of Permits
40D-3.502	Construction Methods
40D-3.517	Grouting and Sealing

PURPOSE AND EFFECT: The purpose of this rulemaking is to allow extension of all types of well construction permits up to 1 year, as is currently allowable for public supply well construction permits, and to remove outdated references to soil borings and foundation holes in the District’s well construction rules. The effect will be to reduce unnecessary regulatory burdens on well contractors and remove outdated rule language.

SUBJECT AREA TO BE ADDRESSED: Well Construction Regulation.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309, 373.313 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Senior Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211 Ext. 4660 (OGC #2011043)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits
40D-4.351	Transfer of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to revise certain District Environmental Resource Permitting application and compliance forms and rule text referencing such forms, to clarify that such forms and documents submitted in support of permit applications and for permit compliance requirements may be submitted by a licensed or registered professional such as a professional engineer, landscape architect, land surveyor or mapper and geologist, when appropriate and in accordance with law. A definition of “licensed or registered professional” is also adopted. The revisions will make the District’s forms consistent with similar Environmental Resource Permit forms adopted by the Department of Environmental Protection. Forms being revised are the Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Statement of Completion and Request for Transfer to Operation Entity, Statement of Inspection for Proper Operation and Maintenance, Environmental Resource Permit Modification Short Form and the General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects. The General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects is also being revised to be applicable to outparcels within other permitted projects in addition to commercial and industrial projects and to clarify the fee for such modification applications. This rulemaking is undertaken to remove unnecessary restrictions on professions

and to reduce costs to individuals, businesses and governments for environmental resource permits and permit compliance requirements.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.416(1), (2), 373.429, 373.441 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Senior Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, Ext. 4660 (OGC #2011045)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.351	Transfer of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt a revised Notification and Request for Transfer of Environmental Resource Permit form, which is revised to eliminate reference to any fee, and to allow transfer of the permit to a new owner upon notification from either the permittee or new property owner. The effect will be to reduce costs and eliminate an unnecessary burden related to the

transfer of Environmental Resource Permits when there is a change in property ownership on which the permitted system is located.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.416(2), 373.429, 373.441, 403.805 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2011047)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331 **RULE TITLE:** Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to allow for the reauthorization and extension of expired Environmental Resource Permits for up to 5 years.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Senior Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211 Ext. 4660 (OGC #2011044)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-2.091 **RULE TITLE:** Publications Incorporated by Reference

PURPOSE AND EFFECT: To amend Rule 40E-2.091, F.A.C., and Section 3.2.3.2.B.2 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to require minor general water use permit applicants located within a mandatory reuse zone to perform an end user feasibility evaluation and to delete that portion of Section 3.2.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District which refers to Chapter 40E-23, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Reclaimed Water and Reuse Requirements.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.250 FS.

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

DATE AND TIME: November 1, 2011, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk at 1(800)432-2045, x2087 or (561)682-2087. 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: Paulette Glebocki, Hydrogeologist – Lead, Water Use Bureau, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6941 or (561)682-6941 or by email to pglebock@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to kruff@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-3.021	Definitions
40E-3.036	Rules and Publications Incorporated by Reference
40E-3.038	Violations of Contractor Licensing and Well Construction Requirements
40E-3.101	Content of Application
40E-3.411	Well Completion Reports
40E-3.507	Casing and Liner Pipe Standards
40E-3.512	Well Construction Requirements
40E-3.517	Grouting and Sealing
40E-3.521	Well Seals
40E-3.600	Scope of Part VI
40E-3.601	General Permit for Water Wells within a Portion of Southern Miami-Dade County

PURPOSE AND EFFECT: To amend Rules 40E-3.021, 40E-3.036, 40E-3.038, 40E-3.101, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517, and 40E-3.521, F.A.C., and to create new rules, Rule 40E-3.600, F.A.C., Scope of Part VI, and Rule 40E-3.601, F.A.C., General Permit for Water Wells within a Portion of Southern Miami-Dade County, in order to incorporate construction standards and forms adopted by the Florida Department of Environmental Protection (FDEP). New Rule 40E-3.600 will set forth the scope of Part VI in regard to

the granting of general permits for certain specified well construction, repair or abandonment activities which have been determined by the District to exist in unique geographic areas, and new Rule 40E-3.601, F.A.C., will set forth requirements for general permits for agricultural wells in a specified portion of southern Miami-Dade County that are 25 feet or less in depth. Rule 40E-3.601, F.A.C., will also provide a legal description of the specified portion of southern Miami-Dade County and an updated map depicting the specified area (Figure 3-1).

SUBJECT AREA TO BE ADDRESSED: Construction Standards and Forms developed in accordance with Section 373.337, F.S., and the 2004 Interagency Agreement between FDEP, South Florida Water Management District and the State of Florida Department of Health.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.333 FS.

LAW IMPLEMENTED: 373.019, 373.103, 373.106, 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.326, 373.329, 373.333, 373.336, 373.342 FS.

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

DATE AND TIME: November 1, 2011, 1:00 p.m.

PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk at 1(800)432-2945, x2087 or (561)682-2087. 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: Paulette Glebocki, Hydrogeologist – Lead, Water Use Bureau, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6941 or (561)682-6941 or by email to pglebock@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to kruff@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water Use Permits

PURPOSE AND EFFECT: To amend Rules 40E-20.091 and 40E-20.301(1)(h), F.A.C., and Section 3.2.3.2.B.2 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to require water use permit applicants to obtain written documentation from their local reclaimed water provider addressing the availability of reclaimed water, to require minor general water use permit applicants located within a mandatory reuse zone to perform an end user feasibility evaluation and to delete that portion of Section 3.2.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District which refers to Chapter 40E-23, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Reclaimed Water and Reuse Requirements.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.223, 373.229, 373.250 FS.

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

DATE AND TIME: November 1, 2011, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk at 1(800)432-2045, x2087 or (561)682-2087. 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: Paulette Glebocki, Hydrogeologist – Lead, Water Use Bureau, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6941 or (561)682-6941 or by email to pglebock@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to kruff@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-30.011	General Permit for Wells Implementation
40E-30.031	General Permit for Construction, Repair or Abandonment of Wells
40E-30.042	Notice of Intent
40E-30.112	Request for Additional Information
40E-30.141	Thresholds for South Dade County
40E-30.302	

PURPOSE AND EFFECT: To repeal Chapter 40E-30, F.A.C., because, in the District’s rule review, it was determined that the rules within this chapter are duplicative and will be unnecessary once the no-notice permit is put into Chapter 40E-3, F.A.C. New rules are being proposed in Chapter 40E-3, F.A.C., setting forth the scope of Part VI in regard to the granting of general permits which have been determined by the District to exist in unique geographic areas, and creating a general water well permit by rule for agricultural wells in a specified portion of southern Miami-Dade County that are 25 feet or less in depth.

SUBJECT AREA TO BE ADDRESSED: General Permits for Water Wells, Implementation, General Permit for Construction, Repair and Abandonment of Wells, Notice of Intent, Request for Additional Information and Thresholds for South Dade County.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.309, 373.313, 373.326, 373.342 FS.

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

DATE AND TIME: November 1, 2011, 1:00 p.m.

PLACE: South Florida Water Management District Headquarters Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk at 1(800)432-2945, x2087 or (561)682-2087. 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: Paulette Glebocki, Hydrogeologist – Lead, Water Use Bureau, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6941 or (561)682-6941, or by email to pglebock@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water

Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to kruff@sfwmd.gov.

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

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

RULE NO.: 54C-1.001
 RULE TITLE: Tariff

PURPOSE AND EFFECT: The purpose is to develop amendments to existing Rule 54C-1.001, F.A.C., the tariff of Lake Apopka Natural Gas District (District), modifying the criteria and rate schedule for transportation service by establishing minimum threshold for availability, increasing the fees and charges of the District, modifying transportation service contract requirements and adopting a pro forma customer marketer contract. All transportation customers will experience an increase in the cost of gas service.

SUBJECT AREA TO BE ADDRESSED: The criteria, rate schedules and contract requirements for gas transportation service in Rule 54C-1.001, F.A.C.

RULEMAKING AUTHORITY: Section (12), Chapter 99-454, Laws of Florida, 1999.

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 24, 2011, 1:00 p.m.
 PLACE: The Office of Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Samuel Davis, Jr., General Manager, Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road (CR 535), Winter Garden, Florida 34787, Telephone (407)656-2734, Facsimile (407)656-9371

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

54C-1.001 Tariff.

The full text of the tariff is set forth in Resolution number 2011-05 ~~2010-02~~ adopted by the Board of Commissioners of Lake Apopka Natural Gas District on September 26, 2011, ~~April 26, 2010~~, which is hereby incorporated herein in its entirety by reference.

Rulemaking Specific Authority Section (12), Chapter 99-454, Laws of Florida, 1999. Law Implemented Chapter 99-454, Laws of Florida, 1999. History–New 8-11-99, Amended 5-13-01, 2-11-04, 10-2-06, 7-27-10, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.005
 RULE TITLE: License Renewal Fee Waivers
 PURPOSE AND EFFECT: Veterinary Medicine has an excess of trust fund moneys; therefore, the Department is requesting this rule to reduce the amount of fees Veterinarians will have to pay for biennial renewal this upcoming cycle. In addition, the Department also proposes to delete the sections pertaining to the fee waiver implemented in 2008, as the fee waiver has now expired.

SUBJECT AREA TO BE ADDRESSED: Veterinarians' biennial license renewal fees.

RULEMAKING AUTHORITY: 455.219(1) FS.

LAW IMPLEMENTED: 455.219(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to revise the definitions to adopt the 2009 U.S. Food and Drug Administration Food Code, remove unnecessary definitions, and update definitions for consistency with the Food Code, standard terminology, and current practices.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the definition of Food Code and the version of the U.S. Food and Drug Administration Food Code adopted by the division. The proposed rule development will also remove definitions now included in the Food Code, update the definitions to match current terminology and practices, and define self-sufficient mobile food dispensing vehicle and temporary food service event.

RULEMAKING AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133, Michelle.Comingore@dbpr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~2009~~ 2009 ~~2001~~ Recommendations of the United States Public Health Service/Food and Drug Administration; ~~the 2001 Food Code Errata Sheet (August 23, 2001); and Supplement to the 2001 FDA Food Code (August 29, 2003)~~ shall apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C.:

(1) through (7) No change.

(8) Commissary – A public food service establishment licensed by the division or a food establishment permitted by the Department of Agriculture and Consumer Services, which is utilized by a mobile food dispensing vehicle for the purpose of providing all required support services, including potable water and wastewater disposal, that are not available on the mobile food dispensing vehicle. An approved food service establishment, commercial establishment, where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at other locations, or where liquid and solid wastes are disposed, or where potable water is obtained.

(9) through (10) No change.

(11) District – The district ~~manager administrator~~ in one of the established district offices of the division, or the district manager's ~~their~~ designee.

(12) No change.

(13) Fixed food establishment – A public food service establishment which operates at a specific location and is permanently connected to electrical, water, and sewage disposal systems.

(14) Food Code – This term as used in Chapters 61C-1, 61C-3, and 61C-4, F.A.C., means paragraph 1-201.10(B), Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, ~~and~~ Chapter 7, ~~and~~ sections 8-103.11 and 8-103.12 of the Food

Code, ~~2009~~ 2009 ~~2001~~ Recommendations of the United States Public Health Service/Food and Drug Administration including Annex 3: Public Health Reasons/Administrative Guidelines; Annex 5: Conducting Risk-based Inspections HACCP Guidelines of the Food Code; ~~the 2001 Food Code Errata Sheet (August 23, 2002); and Supplement to the 2001 FDA Food Code (August 29, 2003)~~, herein adopted by reference. A copy of the Food Code, as adopted by the division, is available on the division's Internet website www.MyFloridaLicense.com/dbpr/hr. A copy of the entire Food Code is available on the U.S. Food and Drug Administration Internet website. Printed copies of the entire Food Code are available through the National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312 5285 ~~Port Royal Road, Springfield, VA 22161~~.

(15) Food establishment – As utilized in the Food Code, this term shall apply to public lodging establishments and food service establishments as defined in Chapter 509, F.S., according to the context of the applicable rule language.

(16) No change.

(17) Hot water – Hot water means a water temperature of 100 ~~110~~ degrees Fahrenheit or above.

(18) through (19) No change.

(20) Owner – A person, firm or corporation who, or which, owns or controls the premises property.

~~(21) Packaged – Items prepared in a public food service establishment that are bottled, canned, cartoned, bagged, or securely wrapped, and sealed and sold for off premises consumption. Such items customarily sold as "take-out" or "to-go" orders shall not be considered as packaged items for the purposes of this definition.~~

~~(21)(22)~~ Potable water – Water satisfactory for drinking, culinary, and domestic purposes meeting quality standards of Rules 62-550 and 62-555, F.A.C.

~~(22)(23)~~ Premises – The ~~physical~~ public food service or lodging establishment and the contiguous land or property under the control of the operator. The ~~physical~~ property may include all yards, alleys, driveways, sidewalks, and other exterior portions of the licensed premises.

~~(24) Pre-packaged – foods which have been prepared and bottled, canned, cartoned, bagged or securely wrapped in commercial food processing establishments.~~

~~(23)(25)~~ Railway – Either a railing ~~or~~; a guardrail system of building components located near the open sides of elevated walking surfaces.

~~(24)(26)~~ Remodel ~~Remodeled~~ – To make any ~~The term remodeled means any~~ change to an existing public food service establishment which affects the sanitation or safety of the establishment.

~~(25)~~ Self-sufficient mobile food dispensing vehicle – A public food service establishment classified as a mobile food dispensing vehicle that contains, as part of the vehicle, a three compartment sink for washing, rinsing, and sanitizing

equipment and utensils; a separate handwash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code.

~~(26)(27)~~ Sewage – Any liquid waste containing chemicals or animal, mineral, or vegetable matter, ~~or in suspension or solution, and may include liquids containing chemicals in solution.~~ Included in this definition is liquid waste from sinks, bathroom toilet facilities, grinders, garbage containers, dishwashing machines, floor drains, floor washing or handwashing facilities.

~~(27)(28)~~ Single – As it refers to public lodging occupancy, this term means one person.

~~(28)(29)~~ Stairway – One or more flights of stairs or steps, either interior or exterior, and the landings, platforms, or other supporting structures necessary to connect separate levels in order to form a continuous passage from one level to another in a building structure.

(29) Temporary food service event – Any event of 30 or fewer consecutive days in duration, advertised and recognized in the community, where food is prepared, served, or sold to the general public.

(30) No change.

Rulemaking Specific Authority 509.032 FS. Law Implemented 509.032 FS. History—Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98, 12-6-00, 2-27-05, 8-12-08,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.014
 RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to incorporate by reference form DH-MQA 1182 and revise the application date.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0146
 RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate by reference form DH-MQA 1182.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004, 466.006(3) FS.

LAW IMPLEMENTED: 466.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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

SUBJECT AREA TO BE ADDRESSED: Acceptable Variance of Examiners.

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

LAW IMPLEMENTED: 466.006(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-1.001 Abbreviations and Definitions
PURPOSE AND EFFECT: The Board proposes this amendment to delete unnecessary definitions and clarify the duties involved in “Direct Supervision”.
SUBJECT AREA TO BE ADDRESSED: Abbreviations and Definitions.
RULEMAKING AUTHORITY: 120.53(1), 464.006 FS.
LAW IMPLEMENTED: 464.003, 464.008 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-3.001 Definitions
PURPOSE AND EFFECT: The Board proposes this amendment to delete obsolete language.
SUBJECT AREA TO BE ADDRESSED: Definitions.
RULEMAKING AUTHORITY: 464.006, 464.022(4) FS.
LAW IMPLEMENTED: 464.008(1)(b), 464.015(4), 464.019, 464.022(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-3.003 Practice of Nursing by Applicant for Licensure by Examination
PURPOSE AND EFFECT: The Board proposes this amendment to delete obsolete language.
SUBJECT AREA TO BE ADDRESSED: Definitions.
RULEMAKING AUTHORITY: 464.006 FS.
LAW IMPLEMENTED: 464.015(3), (4), 464.022(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-4.002 Requirements for Certification
PURPOSE AND EFFECT: The Board proposes to delete unnecessary language.
SUBJECT AREA TO BE ADDRESSED: Requirements for Certification.
RULEMAKING AUTHORITY: 456.048, 464.006, 464.012 FS.
LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.004 RULE TITLE: Requirements for Documentation

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct grammar for clarity.

SUBJECT AREA TO BE ADDRESSED: Requirements for Documentation.

RULEMAKING AUTHORITY: 464.006, 464.012 FS.

LAW IMPLEMENTED: 464.012 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.013 RULE TITLE: Recertification

PURPOSE AND EFFECT: The Board proposes this change to delete obsolete language.

SUBJECT AREA TO BE ADDRESSED: Recertification.

RULEMAKING AUTHORITY: 464.006, 464.014 FS.

LAW IMPLEMENTED: 456.036(5), 456.048, 464.014, 455.711(5) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.003 RULE TITLE: Standards for Continuing Education

PURPOSE AND EFFECT: The Board proposes this change to correct the rule to conform to previous amendment to Rule 64B9-5.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Standards for Continuing Education.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.006 RULE TITLE: Procedure Relating to the Faculty/Authors

PURPOSE AND EFFECT: The Board proposes this change to correct the rule to conform to previous amendment to Rule 64B9-5.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Standards for Continuing Education.

RULEMAKING AUTHORITY: 464.006, 464.013(4), 464.014 FS.

LAW IMPLEMENTED: 464.013(4) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-7.001 Fees

PURPOSE AND EFFECT: The purpose of this amendment is to include renewal fees for persons who are licensed as CNS and ARNP's.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-11.001 Medical Records of Deceased Nurse

PURPOSE AND EFFECT: The purpose of this amendment is to add Certified Nurse Specialists to licensees required to comply with procedures for disposal of medical records.

SUBJECT AREA TO BE ADDRESSED: Medical Records of Deceased Nurse.

RULEMAKING AUTHORITY: 456.058 FS.

LAW IMPLEMENTED: 456.058 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-11.002 Medical Records of Nurses

Relocating or Terminating Practice
PURPOSE AND EFFECT: The purpose of this amendment is to add Certified Nurse Specialists to licensees required to comply with procedures for management of medical records.

SUBJECT AREA TO BE ADDRESSED: Medical Records of Nurses Relocating or Terminating Practice.

RULEMAKING AUTHORITY: 456.058 FS.

LAW IMPLEMENTED: 456.058 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-12.005 Competency and Knowledge

Requirements Necessary to Qualify the LPN to Administer IV Therapy
PURPOSE AND EFFECT: The Board proposes this change to delete references to repealed rule.

SUBJECT AREA TO BE ADDRESSED: Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.003(3)(b) FS.

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

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

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.001	Scope of Chapter Rules
64E-28.002	Definitions
64E-28.003	Licensure Requirements for a Tattoo Artist
64E-28.004	Licensure Renewal Requirement for a Tattoo Artist
64E-28.005	Registration Requirements for a Guest Tattoo Artist
64E-28.006	Education Course Requirements
64E-28.007	Licensure Requirements for a Permanent Tattoo Establishment
64E-28.008	Licensure Requirements for a Temporary Tattoo Establishment
64E-28.009	Operational Requirements for a Tattoo Establishment
64E-28.010	Operational Requirements for a Temporary Tattoo Establishment
64E-28.011	Standards of Practice for a Tattoo Artist or Guest Tattoo Artist
64E-28.012	Forms
64E-28.013	Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the requirements for tattoo artists and tattoo establishments as specified in Sections 381.00771-.00791, F.S., which passed during the 2010 Legislative Session.

SUBJECT AREA TO BE ADDRESSED: This proposed rule chapter will provide the minimum standards relating to the practice of tattooing including definitions; licensure requirements for tattoo artists, guest tattoo artists, and establishments; operational requirements for tattoo establishments; standards of practice for a tattoo artists and guest tattoo artists; forms; and fee schedule.

RULEMAKING AUTHORITY: 381.00789 FS.

LAW IMPLEMENTED: 381.00771-.00791 FS.

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

DATES AND TIME: 1. October 21, 2011, 9:00 a.m. – 12:00 Noon; 2. October 24, 2011 9:00 a.m. – 12:00 Noon; 3. November 3, 2011, 9:00 a.m. – 12:00 Noon

PLACE: 1. Orange County Health Department-Central Clinic Auditorium, 4th Floor, 832 W. Central Blvd., Orlando, FL.

2. Florida Department of Health, Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL.

3. Broward County Health Department-Administration Center Auditorium, 1st Floor, 780 S.W. 24th Avenue, Fort Lauderdale, FL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Laura Wehunt, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. 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: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, gina_vallone@doh.state.fl.us

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
RULE TITLE: Polling Place Procedures Manual
PURPOSE AND EFFECT: This rule pertains to the Polling Place Procedures Manual which is incorporated by reference (DS-DE 11). This manual is used by election officials and poll workers to implement elections laws and processes during early voting and on Election Day. The proposed revisions are necessary to conform to changes in Chapter 2011-40, Laws of Florida, which became effective on May 19, 2011, and amended Sections 101.131 (pollwatchers), 101.043 (identification at the polls), and 101.045 (address changes at the polls), Florida Statutes.

SUMMARY: Update on the polling place procedures manual used by elections officials and poll workers during voting activities on Election Day and during the early voting period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: