

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:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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.

Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3) or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with election-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.014(5) FS.

LAW IMPLEMENTED: 102.014 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:

DATE AND TIME: October 31, 2011, 2:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: 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 hearing by contacting: Eddie Phillips, elphillips@dos.state.fl.us, Administrative Assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224. 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: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-6536, mimatthews@dos.myflorida.com or Dr. Gisela Salas, Director, Division of Elections, Gisela.Salas@dos.state.fl.us, (850)245-6200.

The full text of the proposed rule is accessible via the Division of Elections' webpage for proposed rules at: <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>, or upon request, by contacting one of the named persons listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (eff. \_\_\_/\_\_\_/08/10), entitled "Polling Place Procedures Manual," is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>.

Rulemaking Authority 20.10(3), 97.012(1), 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 7-4-02, Amended 1-25-04, 3-16-06, 1-1-08, 8-13-08, 8-25-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gisela Salas, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

#### WATER MANAGEMENT DISTRICTS

##### St. Johns River Water Management District

RULE NO.: 40C-9.250  
 RULE TITLE: Firearms and Similar Equipment  
 PURPOSE AND EFFECT: The purpose and effect of these proposed rule repeal is to repeal District restrictions on property access and use based on the possession or use of firearms or similar equipment. Possession or use of firearms and similar equipment on District property will continue to be regulated in accord with general Florida law.

SUMMARY: Rule 40C-9.250, F.A.C. will be repealed. No other rules incorporate this rule.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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: 373.044, 373.113, 373.1391 FS.

LAW IMPLEMENTED: 373.139, 373.59, 373.1391 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email: wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**40C-9.250 Firearms and Similar Equipment.**

~~The possession or use of firearms or similar equipment is prohibited except (1) for hunting purposes; (2) as authorized by a Special Use Authorization; or (3) as authorized for District initiated land management activities. Firearms and similar equipment includes shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, bows, crossbows, spear guns, or other devices capable of mechanically propelling an arrow, spear, or other projectile.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New 1-16-94, Amended 5-11-94, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Abrams, Asst. General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-3848, email: babrams@sjrwmd.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: RULE TITLE:

60BB-3.0155 Payment of Benefits

PURPOSE AND EFFECT: The proposed new rule requires that unemployment benefits be paid by debit card or electronic funds transfer, except in limited circumstances.

SUMMARY: The proposed amendment eliminates the practice of payment by paper warrants except in cases in which circumstances exist which make payment by debit card or EFT impractical or illegal or when the claimant was receiving payment by paper warrant for the week ending July 2, 2011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.1115, 443.1117 FS.

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

DATE AND TIME: Friday, October 28, 2011, 3:00 p.m., EDT

PLACE: Agency for Workforce Innovation, Law Library, 107 E. Madison Street, Tallahassee, Florida 32399-4128

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7152

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-3.0155 Payment of Benefits.

(1) Benefits To Be Paid Electronically. The Agency will pay benefits by means of an Agency issued debit card or by electronic funds transfer (EFT). Except as provided by subsection (2), benefits will be paid only by debit card or EFT.

(2) The Agency will not pay benefits by paper warrant except when.

(a) Circumstances exist which make payment by debit card or EFT impractical or illegal; or

(b) The claimant received payment by paper warrant for the week ending July 2, 2011, in which case, he or she may continue to receive payment in that manner until the expiration of the claim.

(3) At the time of application, the claimant will make an election to receive payment by debit card or EFT. If requested by the claimant, the Agency will change the method of payment from EFT to debit card or from debit card to EFT.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111(1)(a) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7152

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

**DEPARTMENT OF MANAGEMENT SERVICES****Agency for Workforce Innovation**

RULE NO.: 60BB-3.029  
 RULE TITLE: Public Use Forms

**PURPOSE AND EFFECT:** The proposed change to these rules would provide the means by which claimants will participate in an initial skills review and report their work search efforts as required by Section 443.091, Florida Statutes.

**SUMMARY:** The proposed amendment requires claimants to participate in an initial skills review and report work search efforts as part of the continued claims process.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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:** 443.1317(1)(b) FS.

**LAW IMPLEMENTED:** 443.036, 443.091, 443.111, 443.151 FS.

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

**DATE AND TIME:** Friday, October 28, 2011, 4:00 p.m., EDT  
**PLACE:** Agency for Workforce Innovation, Law Library, 107 E. Madison Street, Tallahassee, Florida 32399-4128

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7152

**THE FULL TEXT OF THE PROPOSED RULE IS:**

60BB-3.029 Public Use Forms.

(1) The following forms and instructions are used by the Agency for Workforce Innovation in its dealings with the public in the administration of the unemployment compensation program, and are incorporated by reference:

(a) AWI Form ERWC – “Employee’s or Employer’s Authorization and Request for Wage Records” (New 02/06), which is available at the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_emp\\_forms.html](http://www.floridajobs.org/unemployment/uc_emp_forms.html).

(b) AWI Form AWA-01 – “Notarized Authorization for Release of Records” (Rev. 03/05), which is available at the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_emp\\_forms.html](http://www.floridajobs.org/unemployment/uc_emp_forms.html).

(c) IB-1 – “Initial Interstate Claim” (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the “Florida Unemployment Compensation Claims Services/ Claim Book” link.

(d) IB-1(S) – “Initial Interstate Claim” (Spanish version) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Haga clic aqui para acceder”.

(e) IB-1(C) – “Initial Interstate Claim” (Creole version) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Chwazi sa a pou”.

(f) AWI Form UC-310 – “Unemployment Compensation Application for Services” (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the “Florida Unemployment Compensation Claims Services/ Claim Book” link.

(g) AWI Form UC-310(S) – “Unemployment Compensation Application for Services” (Spanish version) (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Haga clic aqui para acceder”.

(h) AWI Form UC-310(C) – “Unemployment Compensation Application for Services” (Creole version) (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Chwazi sa a pou”.

(i) AWI Form UC-310 – Supplement (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the “Florida Unemployment Compensation Claims Services/Claim Book” link.

(j) AWI Form UC-310(S) – Supplement (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Haga clic aqui para acceder”.

(k) AWI Form UC-310(C) – Supplement (Rev. 10/07) which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Chwazi sa a pou”.

(l) AWI Form UCB/STC-3 – “Short Time Compensation Plan Application” (Rev. 11/01).

(m) AWI Form UCB-9 (04/01).

(n) AWI Form UCB-11 – “Wage Transcript and Determination” (Rev. 01/08).

- (o) AWI Form UCB-34 (09/01).
- (p) AWI Form UCB-45 – “Notice of Determination” (Rev. 02/08).
- (q) AWI Form UCB-60 – “Weekly Claim Certification” (Rev. 02/03).
- (r) AWI Form UCB-60V (Rev. 06/04).
- (s) AWI Form UCB-121E (01/07).
- (t) Employer Notification Letter (01/07).
- (u) AWI Form UCB-200 “Unemployment Compensation Fact-Finding Statement” (06/08).
- (v) AWI Form UCB-200LD “Labor Dispute” (06/08).
- (w) AWI Form UCB-201 (06/08).
- (x) AWI Form UCB-202 (06/08).
- (y) AWI Form UCB-204 (06/08).
- (z) AWI Form UCB-205 (06/08).
- (aa) AWI Form UCB-205SIF (06/08).
- (bb) AWI Form UCB-206 – “Reporting Requirements” (06/08).
- (cc) AWI Form UCB-207 – “Unemployment Compensation Fact-Finding Statement” (06/08).
- (dd) AWI Form UCB-208 – “Voluntary Leaving” (06/08).
- (ee) AWI Form UCB-209 – “Employment Status” (06/08).
- (ff) AWI Form UCB-209L – (06/08).
- (gg) AWI Form UCB-209S – “Suspension” (06/08).
- (hh) AWI Form UCB-211 – “School Attendance/Training” (06/08).
- (ii) AWI Form UCB-219 – “Reemployment Services Eligibility Issues” (06/08).
- (jj) AWI Form UCB-221 – “Worker Profiling and Reemployment Services Assessment” (06/01).
- (kk) AWI Form UCB-231 – “Claimant’s Eligibility Review Questionnaire” (06/08).
- (ll) AWI Form UCB-412 – “Determination Notice of Unemployment Claim Filed” (Rev. 04/07).
- (mm) Form AWI-UCW4VT (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the “Florida Unemployment Compensation Claims Services/Claim Book” link.
- (nn) Form AWI-UCW4VFL (S) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Haga clic aqui para acceder”.
- (oo) Form AWI-UCW4VFL (C) (Rev. 10/07), which may be found by going to the Agency’s Internet site at: [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Chwazi sa a pou”.

(pp) Form AWI-UC20A (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the “Florida Unemployment Compensation Program/Benefit Rights” link.

(qq) Form AWI-UC20A (S) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the link beginning with the phrase “Oprima aqui para recibir”.

(rr) Form AWI-UC20A (C) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the link beginning with the phrase “Pou ou ka itilize”.

(ss) UC Bulletin 1E (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the “Florida Unemployment Compensation Program/Benefit Rights” link.

(tt) UC Bulletin 1S (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the link beginning with the phrase “Oprima aqui para recibir”.

(uu) UC Bulletin 1C (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_bri.html](http://www.floridajobs.org/unemployment/uc_bri.html) and clicking on the link beginning with the phrase “Pou ou ka itilize”.

(vv) UC100T (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the “Unemployment Compensation Claims Services/Claim Book” link.

(ww) UC100FL(S) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Haga clic aqui para acceder”.

(xx) UC100FL(C) (Rev. 10/07), which may be found by going to the Agency’s Internet site at [http://www.floridajobs.org/unemployment/uc\\_claimbooklet.html](http://www.floridajobs.org/unemployment/uc_claimbooklet.html) and clicking on the link beginning with the phrase “Chwazi sa a pou”.

(yy) Online Internet Unemployment Compensation Claim Application (9/11)(11/07), which is available at [www.fluidnow.com](http://www.fluidnow.com).

(zz) Online Internet Unemployment Compensation Claim Application (Spanish version) (9/11)(11/07), which is available at [www.fluidnow.com](http://www.fluidnow.com).

(aaa) Online Internet Unemployment Compensation Claim Application (Creole version) (10/11), which is available at [www.fluidnow.com](http://www.fluidnow.com).

(bbb)(aaa) Continued Claims Detailed System Design, Appendix B: IVR Script (Interactive Voice Response Script) (January 23, 2008).

~~(ccc)(bbb)~~ Detail System Design, Appendix C (Interactive Voice Response Script) (January 23, 2008).

~~(ddd)(eee)~~ AWI Form UCS-6061 “Independent Contractor Analysis” (Rev. 11/05).

(2) These forms may be obtained by:

(a) Writing to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5750, Tallahassee, FL 32314-5750.

(b) Faxing a request to the Agency’s UC Records Unit at (850)921-3912.

(c) Calling the UC Records Unit at (850)921-3470.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.171(5), 443.1715(1), (2)(b)1. FS. History—New 6-4-06, Amended 8-14-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John R. Perry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: SEPTEMBER 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: JULY 1, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

RULE NO.: 60FF1-5.002  
RULE TITLE: Rural County Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for applying for and receiving rural county grants and to modify Form 1A, “E911 Rural County Grant Application (revised 7/1/2011)”.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify procedures for applying for and receiving rural county grants and to modify Form 1A, “E911 Rural County Grant Application (revised 7/1/2011)”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(2)(g), 365.172(9)(a), (b), (c), 365.173(2)(g) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Butler, Special Support Manager, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

(1) Eligibility. Any Board of County Commissioners in the State of Florida, with a county population of fewer than 75,000 is eligible to apply.

(2) Definitions.

(a) “Enhanced 911” (E911) A telephone system which includes network switching, data base and Public Safety Answering Point premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call back number.

(b) “E911 Maintenance” The preventative, routine and emergency maintenance required by the State E911 Plan, in order to maintain the E911 System in operable working condition.

(c) “E911 System” The Public Safety Answering Point equipment, in accordance with the State E911 Plan, including 911 call routing, processing, mapping and call answering communications equipment.

(d) “Government Accounting Standards Board” (GASB) The independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments.

(e) “Next Generation 911” (NG-911) The designation for an advanced 911 emergency communications system or service that provides a communications service subscriber with 911 service and, in addition, directs 911 emergency requests for assistance to appropriate public safety answering points based on the geographical location from which the request originated, or as otherwise provided in the State E911 Plan under Section 365.171, F.S., and that provides for automatic number identification and automatic location identification features and emergency data information through managed IP-based networks.

(f) “Public Safety Answering Point” (PSAP) A public safety agency answering point that receives incoming 911 calls for dispatching of appropriate public safety agencies to respond to the 911 calls.

~~(3)~~(2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 1/1/2011, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address: <https://www.flrules.org/Gateway/reference.asp?No=Ref-00410> or

State of Florida E911 Board  
 ATTN: Administrative Assistant  
 4050 Esplanade Way  
 Building 4030 – Suite 160  
 Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for Application Form items 1 through 14 and the associated quotes. ~~for~~ The grant application package must be postmarked or delivered on or before April 1 or October 1 of each year, dependent on the spring or fall application period.

(b) through (c) No change.

(d) Grant applications totaling \$35,000.00 or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain at least three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses.

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall be provided with the application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which ~~shall~~ should be provided with this grant application.

(f) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph ~~(3)(2)~~(a) above.

(g) through (i) No change.

(j) Grant funding shall be limited to eligible equipment maintenance and warranty costs for a primary PSAP and one other PSAP per county; either a primary, a secondary or a backup.

~~(k)(4)~~ No change.

(l) Grant funding for customer premise equipment shall be limited to eligible expenditures for a primary PSAP only.

(m) Any county that requires Board of County Commissioner approval of the grant program funding, prior to commencement of the project, shall notify the E911 Board in Application Form item #10. Grant funds for approved grant applications will be held until the county provides written notification to the E911 Board of the Board of County Commissioners approval of the project prior to the funds being disbursed from the E911 Trust Fund.

~~(o)(4)~~ Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. Updated Grant Budget/Expenditure, Quarter Report Forms, Request for Change Forms, and Final Report Forms and associated information ~~In lieu of submitting a signed quarterly Grant Budget/Expenditure and Quarterly Report Form, the updated form~~ should ~~can~~ be e-mailed to: [E911 Board-ElectronicGrantReports@dms.myflorida.com](mailto:E911Board-ElectronicGrantReports@dms.myflorida.com) ~~the Board's administrative/technical staff.~~ The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

~~(p)(4)~~ At project completion, a final report shall be submitted based on the same reporting periods described in paragraph (3)(a) above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(m) through (q) renumbered (q) through (u) No change.

~~(4)(3)~~ No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History--New 12-7-08, Amended 10-19-09, 4-15-10, 10-27-10, Formerly 60FF-5.002, Amended 7-17-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 E911 Board  
 NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-24.004  
 RULE TITLE: Collection and Payment of Fees

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to delete the fee applicants must pay to the Department for a criminal records check for persons desiring to practice as an Athlete Agent.

**SUMMARY:** The Department proposes to delete subsection (d) Criminal Records Check Fee – \$39.00, from the Collection and Payment of Fees assessed to persons desiring to practice as an Athlete Agent. Rules 61-5005 and 61-24.012, F.A.C., incorporate this Rule. This amendment will have no effect on those other rules.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

It is determined that the decreased fee to be paid by licensees will have a positive impact on 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:** 468.457 FS.

**LAW IMPLEMENTED:** 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 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:** Sheri Snyder, Division of Professions, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61-24.004 Collection and Payment of Fees.

(1) The following fee schedule is adopted by the Department of Business and Professional Regulation for the licensure of persons desiring to practice as an athlete agent pursuant to Section 468.453, Florida Statutes.

- (a) Application Fee – \$500.00.
- (b) Licensure Fee – \$750.00.
- (c) Unlicensed Activity – \$5.00.
- ~~(d) Criminal Records Check Fee – \$39.00.~~
- ~~(d)(e)~~ Biennial Renewal Fee – \$440.00.
- ~~(e)(f)~~ Inactive Fee – \$200.00.
- ~~(f)(g)~~ Delinquent Fee – \$100.00.
- ~~(g)(h)~~ Reactivation Fee – \$50.00.
- ~~(h)(i)~~ Change of Status Fee – \$25.00.

(2) All fees indicated by the schedule above shall be paid in the form of a check, bank draft, or money order made payable to the Department of Business and Professional Regulation. Unless specifically authorized by rule, all fees are non-refundable.

**Rulemaking Specific Authority** ~~215.405,~~ 468.457 FS. Law Implemented 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 FS. History--New 1-4-89, Formerly 21-24.004, Amended 3-28-96, 6-9-03,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Ken Lawson, Secretary, Department of Business and Professional Regulation

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 29, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 22, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers’ Board**

**RULE NO.:** 61G3-16.005 **RULE TITLE:** Endorsement

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to add language to clarify endorsement application.

**SUMMARY:** The rule amendment will add language to clarify when submission of an education evaluation conducted by a national credential evaluation service is required.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

**RULEMAKING AUTHORITY:** 476.064(4), 476.144(5) FS.

**LAW IMPLEMENTED:** 476.144(5) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**



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:

61G3-16.005 Endorsement.

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

(1) through (5) No change.

(6) For purposes of demonstrating that an ~~the~~ applicant from a territory or foreign country has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Rulemaking Authority 476.064(4), 476.144(5) FS. Law Implemented 476.144(5) FS. History--New 10-14-85, Formerly 21C-16.05, Amended 6-1-87, 11-12-87, 7-4-90, 12-23-90, 1-26-93, Formerly 21C-16.005, Amended 11-30-93, 5-3-06, 5-31-07, 2-11-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0135 RULE TITLE: Dental Hygiene Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to update the requirements for the dental hygiene exam.

SUMMARY: The proposed changes will delete unnecessary language and to add new language to update the requirements for the dental hygiene exam.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact

on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0135 Dental Hygiene Examination.

(1) The Board specifies that the dental hygiene licensure examination administered by the Department of Health shall consist of two portions. One portion of the examination shall consist of a written examination and the second ~~one~~ portion of the examination shall be a clinical (or practical) examination. An applicant who passes one portion of the examination and not the other need only retake the failed portion.

(a) An applicant must successfully complete both portions of the examination within an eighteen (18) ~~thirteen~~ month period in order to qualify for licensure. If the applicant fails to successfully complete both portions within that time period, then the applicant must retake the entire examination.

(b) Each applicant for dental hygiene licensure is required to complete the examinations as provided for in Section 466.007, F.S. The examinations for dental hygiene shall consist of a written examination and a practical or clinical examination. The practical or clinical examination is the dental hygiene examination developed by the American Board of Dental Examiners, Inc. (ADEX), or its successor entity if the successor entity is determined by the Board to comply with the provision of Section 466.007, Florida Statutes. The ADEX dental hygiene examination is inclusive of a comprehensive clinical skills examination covering the full scope of dental hygiene practice. Any ADEX dental hygiene examination administered after June 1, 2010 will meet the clinical examination requirement. Any dental hygiene applicant who fails to pass the clinical portion of the examination in three attempts shall not be eligible for reexamination until successful completion of one academic semester of clinical course work at the senior clinical practice level at a dental hygiene school approved by the American Dental Association Commission on Accreditation. The applicant must furnish

proof from the accredited dental hygiene school of successful completion of the course work required by this rule. Applicants who fail to establish compliance with this rule shall automatically be denied permission to sit for reexamination.

(c) All examinations will be conducted in English.

(2) The written portion of the examination shall test on the law and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(a) A final grade of 75% or better is required to pass the written portion of the examination.

(b) Applicants will be given no more than 90 minutes to complete the written portion of the examination.

(3) Provided the Board maintains representation on the board of directors of the American Board of Dental Examiners, Inc., and the examination development committee of the American Board of Dental Examiners, Inc., the clinical examination procedures and criteria of the ADEX dental hygiene examination are approved by the Board. 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) The simulated patient part of the clinical examination requires applicants to take and pass a computer based examination which includes health assessments, oral condition evaluations, radiograph interpretations, and infection control practices.

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. Applicants will be given no more than 120 minutes to complete the simulated patient part of the clinical examination.

(b) The patient based part of the clinical examination requires an applicant to demonstrate clinical skills in performing a partial prophylaxis, sealing, root planning, coronal polishing and pocket depth measurements on selected teeth.

1. A final grade of 75% or better is required to pass the patient based part of the clinical examination.

2. Applicants will be given no more than 180 minutes to seat a patient, present the patient for acceptance and complete the treatment phase of the patient based part of the clinical examination.

3. Applicants will be give no more than 90 minutes to complete the treatment phase of the patient based part of the clinical examination.

4. The patient based part of the clinical examination is to be performed on a patient provided by the applicant.

(c) ~~An applicant who passes one part of the clinical examination portion, either the simulated patient part or the patient based part, and not the other need only retake the failed clinical part.~~

(4) ~~Demonstration of periodontal skills on a patient (root planing, scaling of subgingival calculus, and plaque, stain and supragingival calculus removal from the coronal part of the teeth selected and pocket depth measurement assessment) must be performed within a selected dental quadrant with a minimum of six and a maximum of eight teeth, none of which shall have a full crown restoration. Of the six to eight teeth, two may be contiguous molars in another quadrant if necessary to meet the criteria. Three of the teeth shall have pockets identified by the applicant at least 4 mm. in depth. Twelve surfaces with moderate subgingival calculus detectable by visual or tactile means must be identified and treated by the applicant (no more than four surfaces may be on incisors); at least one tooth shall be a multi-rooted molar which shall be in proximal contact with at least one other tooth; five surfaces must be on interproximal surfaces of posterior teeth, i.e. molars or premolars, and at least three of those inter-proximal surfaces must be on molars; none of the six to eight teeth shall be primary teeth. Each selected tooth must have at least one surface of calculus selected for removal. Six pocket depth measurements on each of one anterior and one posterior tooth selected by the examiners must be made by the applicant.~~

(5) The patient based part of the clinical examination shall have the following areas assessed in determining a grade:

(a) Presence of stain on assigned teeth.

(b) Presence of supragingival calculus on assigned teeth.

(c) Presence of subgingival calculus on assigned teeth.

(d) Root roughness on assigned teeth.

(e) Accuracy of pocket depth measurements.

(f) Management of soft and hard tissue.

(6) The grading system used during the patient based part of the clinical examination is as follows:

(a) Case acceptance of the patient based part of the clinical examination is evaluated as to whether or not the patient meets the published examination requirements.

(b) Treatment evaluation of the patient based part of the clinical examination is evaluated as to the presence and removal of applicant identified sub-gingival calculus, removal of plaque/supra-gingival calculus and stain from the selected teeth coronal surfaces and the accuracy,  $\pm 1$  mm., of pocket depth measurements on the two teeth selected by the examiner. Additionally, patient comfort and damage to soft and hard tissues are evaluated.

(c) The examiners use four competency levels to rate clinical skills:

~~Mandatory Zero—Complete failure and critically deficient  
Marginally Standard—Below minimal acceptable  
dental treatment~~

~~Minimally Acceptable—Minimal acceptable dental  
treatment~~

~~Satisfactory—Optimal dental treatment~~

~~(7) Three examiners will independently evaluate all  
treatment criteria in accordance with a detailed analytic scoring  
guide and specific scoring criteria for the patient based part of  
the clinical examination and the median competency level in  
each category (criteria) is determined. These median  
competency levels are translated into a numerical score.  
Applicants must earn at least 75% of the maximum possible  
raw score to pass that part.~~

~~(a) The scores for the patient based part of the clinical  
examination may also be affected by certain conduct or errors  
on the part of an applicant that warrant a penalty deduction  
from the examination score. Penalties may be assessed in areas  
such as patient management, compromised infection control,  
violation of examination guidelines, etc. and will be computed  
into the final score.~~

~~(b) Management of soft tissue is considered adequate in  
the absence of trauma or mutilation. Additionally, a grade of  
zero (0) is mandatory if there is gross mutilation of gingival  
tissue or if the applicant fails to attempt or complete the part.~~

~~(8) To take the patient based part of the clinical  
examination, it is the applicant's responsibility to provide a  
patient who is at least 18 years of age and whose medical  
history is consistent with that prescribed by the Board and who  
meets at least the minimum patient qualifications within the  
selected dental quadrant in order to qualify as a patient for  
examination.~~

~~(a) The patient based part of the clinical examination may  
be terminated at any time by the Examination Administrator in  
the interest of patient safety.~~

~~(b) An applicant will not be able to submit a patient if less  
than 120 minutes remain in the assigned examination period.~~

~~(c) An applicant who does not submit a patient within the  
assigned examination period will receive a grade of mandatory  
zero (0).~~

~~(9) Applicants for examination or re-examination must  
have taken and successfully completed the National Board of  
Dental Hygiene examination and received a National Board  
Certificate within the past ten (10) years.~~

~~(10) Every applicant who is scheduled to take or retake the  
patient based part of the clinical examination must secure  
liability insurance coverage for injuries which may be  
sustained or may be claimed to have been sustained by a dental  
patient in the course of the examination and present proof of  
such coverage to the credentials committee before he or she  
will be allowed to perform any procedures on a live patient.~~

~~(11) Candidates for the dental hygiene state clinical boards  
may assess patients for suitability as board patients at any  
dental office under the direct supervision of a dentist, or at any  
accredited dental hygiene program or accredited dental school  
under direct supervision of a program faculty member.~~

~~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, 10-10-10,  
\_\_\_\_\_.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council of Dental Hygiene~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry~~

~~DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 20, 2011~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 23, 2011~~

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

**RULE NO.:** 64B5-14.002 **RULE TITLE:** Prohibitions

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to include the prohibition of administration of ketamine to a patient by a dentist without a valid general anesthesia permit.

**SUMMARY:** The proposed changes will include the prohibition of administration of ketamine to a patient by a dentist without a valid general anesthesia permit.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

**RULEMAKING AUTHORITY:** 466.004(4), 466.017(3) FS.  
**LAW IMPLEMENTED:** 466.017(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.002 Prohibitions.

(1) through (7) No change.

(8) The following general anesthetic drugs shall not be employed on or administered to a patient by a dentist unless the dentist possesses a valid general anesthesia permit issued by the Board pursuant to the requirements of this chapter: propofol, methohexital, thiopental, ~~or~~ etomidate, or ketamine.

Rulemaking Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended 3-9-03, 11-4-03, 6-15-06, 12-25-06,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-1.007  
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised application fees into the Board’s rule regarding forms.

SUMMARY: The proposed rule amendments incorporate the revised medical doctor application form; the limited license application form; the application form for practice in an area of critical need; and the medical faculty certificate application form into the Board’s rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require

ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3137, 458.3145, 458.315(2), 358.317, 358.319, 458.320(8), 458.321(2), 358.345(3), (8), 458.347(13), 458.3475, 358.348(1)(a), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753 or by telephoning (850)245-4131.

(1) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure,” (04/2011) ~~(10/09)~~.

(2) DH-MQA 1008, entitled “Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.,” (04/2011) ~~(10/09)~~.

(3) DH-MQA 1009, entitled “Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need,” (04/2011) ~~(10/09)~~.

(4) through (13) No change.

(14) DH-MQA 1072, entitled “Board of Medicine Medical Faculty Certificate For Allopathic Physicians,” (04/2011) ~~(10/09)~~.

(15) through (25) No change.

Rulemaking Authority 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3137, 458.3145, 458.315(2), 358.317, 358.319, 458.320(8), 458.321(2), 358.345(3), (8), 458.347(13), 458.3475, 358.348(1)(a), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09, 1-7-10, 2-2-10, 12-6-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Credentials Committee, Board of Medicine  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-4.009  
 RULE TITLE: Applications

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised application fees into the Board’s application rule.

SUMMARY: The proposed rule amendments incorporate the revised medical doctor application form; the limited license application form; the application form for practice in an area of critical need; and the medical faculty certificate application form into the Board’s application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.313 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the Board of Medicine’s website at [http://www.doh.state.fl.us/mqa/medical/me\\_applicant.html](http://www.doh.state.fl.us/mqa/medical/me_applicant.html). The application must be accompanied by the application fee.

(a) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure,” (04/2011) ~~(10/09)~~;

(b) DH-MQA 1008, entitled “Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.,” (04/2011) ~~(10/09)~~;

(c) DH-MQA 1009, entitled “Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need,” (04/2011) ~~(10/09)~~;

(d) No change.

(e) DH-MQA 1072, entitled “Board of Medicine Medical Faculty Certificate For Allopathic Physicians,” (04/2011) ~~(10/09)~~;

(f) No change.

(2) through (9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.313 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, 1-7-10, 5-18-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Credentials Committee, Board of Medicine  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2011

**DEPARTMENT OF HEALTH****Board of Nursing**

RULE NO.: 64B9-8.005  
 RULE TITLE: Unprofessional Conduct

PURPOSE AND EFFECT: The purpose of this amendment is to establish professional guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct.

SUMMARY: The purpose of this amendment is to establish guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct in the nursing occupation.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 464.006, 464.018(1)(h) FS.

LAW IMPLEMENTED: 464.018(1)(h) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B9-8.005 Unprofessional Conduct.

(1) through (12) No change.

~~(13)(14)~~ Using force against a patient, striking a patient, or throwing objects at a patient;

~~(14)(15)~~ Using abusive, threatening or foul language in front of a patient or directing such language toward a patient;

~~(15)(13)~~ Practicing beyond the scope of the licensee's license, educational preparation or nursing experience, including but not limited to: administration or monitoring the administration of any medication intended to create an altered

level of consciousness that is a deeper level than moderate sedation for a surgical, diagnostic or therapeutic procedure by a registered nurse or licensed practical nurse; provided:

(a) A registered nurse may, pursuant to a duly authorized practitioner's order, administer or monitor the administration of medications to achieve deep sedation: a) to a patient as part of a life or limb threatening situation when a practitioner who has demonstrated competence in emergency airway management is physically present with the patient; or b) to a patient who is continuously monitored and mechanically ventilated with a secured, artificial airway. Examples of medications used for deep sedation in this situation include, but are not limited to, propofol, pentothal and etomidate. Due to the potential for rapid, profound changes in sedative/anesthetic depth and the lack of antagonist medications, even if moderate sedation is intended, patients receiving propofol should receive care consistent with that required for deep sedation. Therefore the administration of propofol should only be performed by a practitioner qualified by training and education in the administration of general anesthesia or in a hospital licensed under Chapter 395, Florida Statutes by a duly authorized practitioner credentialed by that hospital to administer deep sedation and not by a registered nurse, with the exception of those limited instances outlined in this rule. When a physician is actively managing a patient's sedation, a registered nurse may monitor the patient under circumstances that may include both moderate and deep sedation.

(b) A registered nurse may administer prescribed pharmacologic agents to non-mechanically ventilated patients for the purpose of moderate sedation in anticipation of anxiety and or discomfort during a time-limited surgical, diagnostic or therapeutic procedure. The registered nurse must continuously monitor the patient throughout the procedure and have no other responsibilities that would require leaving the patient unattended or would compromise continuous monitoring during the procedure. The registered nurse must document the patient's level of consciousness at least every five minutes during the procedure. In the event a deeper level of sedation (such as deep sedation or general anesthesia) unintentionally results from the administration of prescribed pharmacologic agents, the procedure must be stopped and the level of sedation returned to moderate sedation with the assistance of the prescribing physician or credentialed anesthesia provider.

(c) A registered nurse or licensed practical nurse may, pursuant to duly authorized practitioner order, administer or monitor the administration of medications for palliative sedation in a hospice program.

(d) In order to administer or monitor any pharmacologic agents in accordance with subsection (a) or (b) above, a registered nurse must:

1. Prior to any administration or monitoring of any pharmacologic agents, successfully demonstrate competence which reflects the extent of privileges requested, including a criteria-based competency evaluation. At a minimum, the competency demonstration will include: education in pharmacology and physiology, physical assessment and monitoring techniques, airway anatomy, airway management techniques and an opportunity for skill development. The evaluative criteria will cover knowledge and psychomotor skills in assessment and monitoring, principles of pharmacodynamics and pharmacokinetics (onset, duration, distribution, metabolism, elimination, intended and adverse effects, interactions, dosages and contraindications), basic and difficult airway management, mechanical ventilation, and cardiopulmonary resuscitation. The registered nurse must also be certified in advanced cardiac life support;

2. Complete a patient assessment and ensure that the practice setting requires that the physician prescribing the pharmacologic agent has evaluated the patient based on established criteria;

3. Pharmacologic agents that may be administered by a registered or practical nurse pursuant to paragraphs (b) and (c) shall not include medications that are intended to result in loss of consciousness such as propofol, pentothal, dexmedetomidine, or any medication which the manufacturer's package insert states should be administered only by individuals trained in the administration of general anesthesia.

4. Ensure that the practice setting requires that the prescribing practitioner, or in a hospital licensed under Chapter 395, Florida Statutes, a practitioner who has demonstrated competence in emergency airway management is physically present throughout the procedure and immediately available during the recovery period unless the patient is mechanically ventilated;

5. Ensure that written policies and procedures for managing patients who receive moderate sedation are reviewed periodically and are readily available within the practice setting;

6. Ensure that the practice setting has in place a quality assurance and performance improvement process that measures patient, process and structural outcome indicators; and

7. Evaluate the patient for discharge readiness based on specific discharge criteria and ensure that the practice setting requires that the physician approves of the patient discharge.

(e) Administration or monitoring of the administration of medication to achieve sedation at any level under the circumstances set forth in this rule is beyond the scope of practice of licensed practical nurses.

(f) The following definitions apply for purposes of this rule:

1. Deep sedation means a medication-induced depression of consciousness that allows patients to respond purposefully only after repeated or painful stimulation. The patient cannot be aroused easily, and the ability to maintain a patent airway independently may be impaired with spontaneous ventilation possibly inadequate. Cardiovascular function usually is adequate and maintained.

2. General anesthesia means the patient cannot be aroused, even by painful stimulation, during this medication-induced loss of consciousness. Patients usually require assistance in airway maintenance and often require positive pressure ventilation due to depressed spontaneous ventilation or depression of neuromuscular function. Cardiovascular function may also be impaired.

3. Moderate sedation means a minimally depressed level of consciousness that allows a surgical patient to retain the ability to maintain a patent airway independently and continuously and respond appropriately to verbal commands and physical stimulation.

4. Immediately available means having a health care provider trained in advanced cardiac life support and resuscitation skills available to assist with patient care within five minutes.

5. Palliative sedation means the use of medications intended to provide relief of intractable or refractory symptoms by inducing varying degrees of unconsciousness in imminently dying patients.

6. Refractory symptoms means symptoms that cannot be adequately controlled in a tolerable time frame despite use of alternate therapies, and seem unlikely to be controlled by further invasive or noninvasive therapies without excessive or intolerable acute or chronic side effects or complications.

Rulemaking Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History--New 11-28-79, Amended 3-16-81, 10-8-81,9-11-83, Formerly 210-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 210-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06, 4-28-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: February 4 and April 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.003                      RULE TITLE: Applications for Licensure

**PURPOSE AND EFFECT:** The proposed rule amendment is intended to incorporate the revised licensure application in the Board's application rule.

**SUMMARY:** The proposed rule amendment incorporates the revised application in the rule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

**RULEMAKING AUTHORITY:** 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

**LAW IMPLEMENTED:** 456.031(2), 456.033(6), 459.0055, 459.0055, 459.007 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, F.S., and subsection 64B15-10.002(1), F.A.C. The instructions and application form, DH-MQA 1029, (Revised 05/11 ~~05/10~~), entitled "Application For Licensure" is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or from the Board's website at: [www.doh.state.fl.us/mqa/osteopath/index.html](http://www.doh.state.fl.us/mqa/osteopath/index.html). Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) through (3) No change.

Rulemaking Authority 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS. Law Implemented 456.031(2), 456.033(6), 459.0055, 459.0055, 459.007 FS. History--New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00, 3-9-03, 6-1-09, 5-4-10, 9-16-10, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Osteopathic Medicine

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** May 13, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 9, 2011

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

**RULE NO.:** 65A-1.205 **RULE TITLE:** Eligibility Determination Process

**PURPOSE AND EFFECT:** The proposed rule amends the ACCESS Florida Web Application, CF-ES 2353, and incorporates it by reference. The web application has undergone a plain language initiative for ease of understanding. It also puts forth "pick a benefit" functionality that brings up only the screens related to the programs selected.

**SUMMARY:** The proposed rule amendment amends the ACCESS Florida Web Application, CF-ES 2353.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S.

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

**RULEMAKING AUTHORITY:** 409.919, 414.095, 414.45 FS. **LAW IMPLEMENTED:** 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 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: November 1, 2011, 1:30 p.m.  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Cindy Keil. 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: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4113, cindy\_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.205 Eligibility Determination Process.

(1) The individual completes a Department application for assistance to the best of the individual's ability using either the ACCESS Florida Application, CF-ES 2337, 05/2010, incorporated by reference, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 09/2011 ~~03/2008~~, incorporated by reference ~~in Rule 65A-1.400, F.A.C.~~, and submits it. An application must include at least the individual's name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant can withdraw the application at any time without affecting their right to reapply at any time.

(a) through (8) No change.

Rulemaking Authority 409.919, 414.095, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04, 9-11-08, 7-1-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.400  
 RULE TITLE: Forms for Client Notice and Contact  
 PURPOSE AND EFFECT: The proposed rule amendment removes the ACCESS Florida Web Application, CF-ES 2353, to incorporate it in Rule 65A-1.205, F.A.C. Included in this

amendment is the removal of the ACCESS Florida Application, CF-ES 2337, already incorporated in Rule 65A-1.205, F.A.C., associated language to these forms, and some wording changes and technical changes of a non-substantive nature improving the content of the rule.

SUMMARY: The amendment removes the ACCESS Florida Web Application, CF-ES 2353, to incorporate in Rule 65A-1.205, F.A.C., and includes revisions to update the rule content.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S.

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

RULEMAKING AUTHORITY: 409.919, 409.953, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.1251, 414.13, 414.16, 414.28, 414.31 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: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4113, cindy\_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.400 Forms for Client Notice and Contact.

The following forms are used for Public Assistance Programs to provide applicants and recipients with required notice of the agency's and client's rights and responsibilities and other necessary program information. These forms are hereby incorporated by reference.

~~(1) The application for assistance is a specific paper request on the ACCESS Florida Application, CF-ES 2337, 05/2010, incorporated by reference in Rule 65A-1.205, F.A.C., or an ACCESS Florida Web Application, CF-ES Form 2353, 03/2008, available on the Department's website at~~

~~http://www.myflorida.com/accessflorida, which has been dated and signed by the applicant or authorized/designated representative that eligibility for public assistance be determined. An application must include at least the individual's name, address and signature to initiate the application process. Household members who are ineligible, or who are not applying for benefits, may be designated as non-applicants.~~

~~(1)(2) Forms that apply to two or more public assistance programs are:~~

(a) through (b) No change.	
<del>(e) CF-ES Form 2337, May 10</del>	ACCESS Florida Application
<del>(d) CF-ES Form 2353, Mar 08</del>	ACCESS Florida Web Application
(e) through (p) relettered	
(c) through (n) No change.	

(3) through (6) renumbered (2) through (5) No change.

~~(6)(7) Single Copies of materials are available from each form being incorporated by reference in this rule may be obtained without cost from the ACCESS Florida office that serves your area or by written request to the ACCESS Florida Headquarter's Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, or on by using the Department's web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>. The CF-ES 2353 is available on the Department's web site at <http://www.myflorida.com/accessflorida>.~~

Rulemaking Specific Authority 409.919, 409.953, 410.033, 414.45 FS. Law Implemented ~~409.903~~ 409.904, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.1251, 414.13, 414.16, 414.28, 414.31 FS. History—New 4-9-92, Amended 7-1-93, 8-3-94, Formerly 10C-1.400, Amended 12-29-98, 3-18-03, 7-25-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.603  
 RULE TITLE: Food Assistance Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment increases the standard utility allowance, the basic utility allowance and the telephone standard used in the calculation of benefits for the Food Assistance Program.

SUMMARY: The proposed rule amendment increases utility allowances.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S.

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

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 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: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4113, cindy\_keil@dcf.state.fl.us

**THE FULL TEXT OF THE PROPOSED RULE IS:**

65A-1.603 Food Assistance Program Income and Expenses.

(1) No change.

(2) Standard Utility Allowance. A standard utility allowance (SUA) of ~~\$343~~ \$340 must be used by AGs who incur or within the certification period expect to incur heating or cooling expenses separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low Income Home Energy Assistance Act of 1981. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of ~~\$284~~ \$279 must be used by AGs who do not incur heating or cooling expenses, but do incur utility expenses such as electricity, fuel, water, sewerage, or garbage pickup,

separate and apart from their rent or mortgage. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(4) Telephone Standard. A telephone standard of ~~\$43~~ \$35 must be used by AGs who incur only a telephone expense. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used.

(5) No change.

Rulemaking Authority 414.45 FS. Law Implemented 414.31 FS. History—New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05, 2-17-09, 12-13-09, 11-1-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2011

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NOS.:                   RULE TITLE:S

69K-6.003                   Cemetery By-laws

69K-6.0052               Examination Work Papers

PURPOSE AND EFFECT: In response to an inquiry by the Joint Administrative Procedures Committee, the Board is amending these rules to resolve the discrepancy between the effective dates of the two forms as they appear in these rules and in Rule 69K-1.001, F.A.C. Both of these forms were most recently incorporated by reference in Rule 69K-1.001, F.A.C., with an effective date of 10/06 and these rules are being amended to reflect the correct effective date and title.

SUMMARY: The rules are being amended to reflect the correct effective date and title of two forms that are incorporated by reference.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Knowledge and experience of Department staff.

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: 497.103(1)(u), (5)(a), 497.276(3) FS.

LAW IMPLEMENTED: 497.268, 497.272, 497.273, 497.276, 497.458, 497.464 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: November 1, 2011, 10:00 a.m.

PLACE: Room 336J, Pepper Building, 111 W. Madison Street, Tallahassee, 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 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-4957 or LaTonya.Bryant-Parker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com

**THE FULL TEXT OF THE PROPOSED RULES IS:**

69K-6.003 Cemetery By-laws.

(1) through (3) No change.

(4) Upon receipt of proposed by-laws or amendments thereto and any comments thereon provided by the published notice, the Executive Director of the Board of Funeral, Cemetery, and Consumer Services shall provide the cemetery and the substantially affected persons with an informal conference in accordance with the Pamphlet for Cemetery By-Law Approval, Form DFS-BYLAW1 ~~effected June 1, 1999, which is hereby incorporated by reference in Rule 69K-1.001, F.A.C. and available by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.~~ Within fifteen (15) days after the conclusion of the informal conference, the Executive Director shall forward a recommendation to the Board and give notice to all affected persons that filed written comments of the time and place when the Board of Funeral, Cemetery, and Consumer Services will consider the proposed by-laws or amendments thereto.

(5) No change.

Rulemaking Specific Authority 497.103(1)(u), (5)(a) FS. Law Implemented 497.273 FS. History—New 11-2-78, Formerly 3D-30.23, 3D-30.023, Amended 7-27-99, Formerly 3F-6.003, Amended \_\_\_\_\_.

69K-6.0052 Examination Work Papers.

(1) through (3) No change.

(4) Work papers that are not substantially similar in form to Examination Workpapers, Form DFS-EW-1, effective January 1, 1999, which is hereby incorporated by reference in Rule 69K-1.001, F.A.C., shall be submitted for approval to the ~~Bureau Chief~~ of the Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. Such format shall have a reasonable audit trail that can be followed.

(5) through (6) No change.

Rulemaking Specific Authority 497.103(1)(u), (5)(a), 497.276(3) FS. Law Implemented 497.268, 497.272, 497.276, 497.458, 497.464 FS. History—New 8-16-98, Amended 1-1-99, Formerly 3F-6.0052, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-66.002	Purpose
5B-66.003	Quarantine Area
5B-66.004	Movement or Procession of Hosts or Other Regulated Articles; Conditions of Certification
5B-66.006	Treatment Areas, Treatment Procedures and Mitigative Measures and Declaration of Eradication

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The Statement of Estimated Regulatory Costs is amended to read:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. 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.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) based on past experiences with invasive pest eradication activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

5B-66.001 Definitions.

No change.

5B-66.002 Purpose.

The purpose of ~~these rules~~ ~~this rule~~ is to establish procedures for conducting a program to eradicate fruit flies defined in subsection 5B-66.001(2), F.A.C., upon their detection in the State of Florida. This rule chapter designates the size of quarantine areas and the requirements for the movement and certification of hosts and regulated articles. It also designates the size of treatment areas and the procedures for conducting treatments, outlines program mitigative measures and sets forth the requirements for declaring eradication.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New \_\_\_\_\_.

5B-66.003 Quarantine Area.

(1) No change.

(2) The geographical boundaries of a quarantine area shall be published in a major newspaper of general distribution in the quarantine area, ~~provided on the Department's website, and provided to affected industry groups, and published on the Department's website at <http://www.freshfromflorida.com/PI>.~~

(3) No change.

(4) A list of hosts most likely to be present in a quarantine area shall be published in a major newspaper of general distribution in the quarantine area, ~~provided on the Department's website, and provided to affected industry groups, and published on the Department's website at <http://www.freshfromflorida.com/PI>.~~

(5) No change.