

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

## DEPARTMENT OF HEALTH

### Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:

64B14-5.002 Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete outdated language concerning mandatory courses for licensee's continuing education and correct cites to rulemaking authority and law implemented.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

RULEMAKING AUTHORITY: 468.802, 468.806(2), (3) FS.

LAW IMPLEMENTED: 456.013(9), 456.024, 468.806(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

## DEPARTMENT OF HEALTH

### School Psychology

RULE NO.: RULE TITLE:

64B21-500.002 Application Form Required for Licensure

PURPOSE AND EFFECT: To update the application form and to reflect a reduction in the application fees charged to obtain a license.

SUBJECT AREA TO BE ADDRESSED: Application Form Required For Licensure as a School Psychologist.

RULEMAKING AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allen Hall, Executive Director, School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B21-500.002 Application Form Required for Licensure.

Any person desiring a license to practice school psychology either through endorsement or by examination shall apply to the Department of Health. The application shall be made on incorporated by reference form DH-MQA 1067, (09/11) ~~(11/09)~~ Application for School Psychology Licensure, at: \_\_\_\_\_, which also can be obtained from the Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or at <http://www.doh.state.fl.us/mqa/schoolpsych>.

Rulemaking Authority 490.015 FS. Law Implemented 490.005(2), 490.006 FS. History—New 4-13-82, Amended 2-11-85, Formerly 21U-500.02, Amended 6-21-92, Formerly 21U-500.002, 61E9-500.002, Amended 11-13-02, 5-13-09, 3-2-10, \_\_\_\_\_.

## Section II Proposed Rules

## DEPARTMENT OF STATE

### Division of Elections

RULE NO.: RULE TITLE:

1S-2.004 Purchase, Sale, and Uses of Voting Equipment and Systems

PURPOSE AND EFFECT: The rule has not been updated since 1986 to reflect current local and state-level procurement practices. Additionally, the current rule provides no guidance to other appropriate uses of the systems that would promote training, education and technological advances on or with certified voting systems. For example, the proposed revision establishes procedures or protocols for assessing a voting system during a routine test or system audit and for identifying potential or actual problems that require immediate resolution and assessing potential vulnerabilities to the integrity of voting

systems. The rule revision reflects input from rule workshops conducted in 2004, 2006 and 2009 to elicit feedback in a substantial rewrite of the rule.

SUMMARY: Provides the procedures for the procurement, and various other uses including training and assessment of voting systems.

#### 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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S. 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), 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: 20.10(3), 97.012(1) 101.293, 101.294 FS.

LAW IMPLEMENTED: 97.012(5), 101.015(7), 101.017, 101.292, 101.293, 101.294, 101.295, 101.5604, 101.5605(3)(b), 101.5605(4), 101.5607(1)(c), 101.58 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 17, 2011, 2:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, Tallahassee, Florida 32309

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: 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)245-6536. 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, (850)245-6536,

mimatthews@dos.myflorida.com or Dr. Gisela Salas, Director, Division of Elections, Gisela.salas@dos.myflorida.com, (850)245-6200, Florida Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

(Substantial rewording of Rule 1S-2.004 follows. See Florida Administrative Code for present text.)

1S-2.004 Purchase, Sale, and Uses of Voting Equipment and Systems.

(1) Purpose. This rule provides uniform policies, procedures and best practices for the purchase, sale, and use of voting equipment or system including assessments of certified voting systems and beta testing of pre-certified modifications to certified voting systems.

(2) Definitions. The terms herein have the following meaning:

(a) "Beta Test" means any activity that assesses a change or modification to a county's certified voting equipment or system in preparation for the state's formal certification or approval process.

(b) "Division" means the Division of the Florida Department of State.

(c) "Governing body" is defined as set forth in Section 101.292(1), F.S.

(d) "Purchase" refers to a contract to buy, lease, rent, or acquire voting equipment or system.

(e) "Sale" refers to a contract to sell or otherwise dispose of voting equipment or system in return for a valuable consideration.

(f) "Voting equipment" is defined as set forth in Section 101.292(2), F.S.

(g) "Voting system" is defined as set forth in Section 97.021(43), F.S.

(3) Regulations for Purchase.

(a) Competitive Solicitation Process.

1. When the individual or combined total purchase or sale price of voting equipment or system exceeds the threshold amount for Category Two purchases under Section 287.017, F.S., the governing body shall follow the applicable local procurement policies, procedures and rules for competitive solicitation to the extent not otherwise addressed in this subsection.

2. If the governing body determines that an exception as provided in Section 287.057(3), F.S., exists, the chair of the governing body shall certify such exception to the Division within 10 days of the governing body's approval to acquire the equipment or system outside the competitive solicitation process and any requirements in this subsection. The certification shall detail the circumstances and conditions requiring the exception. Should any other conditions arise

wherein the potential benefits of competitive solicitation are outweighed by the detrimental effects of a delay in the acquisition of such equipment or system outweigh the potential benefits of competitive solicitation, the chair shall certify in writing the conditions and circumstances to the Division for its review and approval.

3. The governing body shall enter all bids, tabulations of bids, and responses related to bids in a permanent record and maintain the record for public inspection upon request, subject to exemptions or restrictions under applicable public records and copyright laws.

(b) Notice of Bid. The governing body shall provide notice to the Division of all invitations to bid for the purchase of new or used voting equipment or system subject to this subsection.

(c) Content of Competitive Bid. All bid invitations shall specify at a minimum, the following information:

1. Name and address of governing body.

2. Date of issuance.

3. Required time, place and terms of delivery and any other delivery conditions.

4. Date, hour and place of opening bids.

5. Surety requirements, if any.

6. Quantity of voting equipment or system to be furnished under each item.

7. Any specifications or other description establishing the capability of such voting equipment or system including its compliance with Section 101.5606, F.S.

8. A statement that the voting equipment or system must be certified under the Florida Election Code prior to its acquisition or purchase.

9. A statement that the governing body reserves the right to reject any and all bids.

10. A statement that the bidder must indicate any cash discounts or terms of discounts provided if the bid is accepted.

11. A statement that the bidder must include all costs for delivery, storage, freight and packing to the address on the bid invitation unless otherwise specified.

12. Any other general conditions or special provisions that the bidder must meet or that are otherwise required by the governing body.

(d) Deliveries. All deliveries of purchased equipment shall be subject to inspection at time of delivery and require written certification by the vendor of proper delivery.

(e) Acceptance. The Supervisor of Elections shall forward to the Division a copy of the vendor certification required by Section 101.294, F.S.

(f) Notice of Rejection. A governing body or supervisor of elections may reject a voting equipment or system that fails in any respect to meet the standards for certification under state law, that fails to meet the specifications upon which the award was based or representations of the vendor, or that is defective. Notice of any rejection, based on defects that would be

disclosed at the time of delivery or by ordinary methods of inspection, will be given to the supplier and the carrier within 10 days after delivery of the item(s). Notice of latent defects that would make the items unfit for the purpose intended may be given by the governing body or Supervisor of Elections any time after acceptance.

(4) Sale of Voting Equipment and Voting System.

Each governing body or Supervisor of Elections shall certify in writing to the Division the anticipated terms of the sale of voting equipment or system and that the sale will not adversely affect the Supervisor of Elections or the governing body's duties under federal or state law to comply with or perform as pertains to elections.

(5) Uses of voting equipment or system.

(a) Routine use. No equipment or software may be used with a voting system unless listed within the voting system's current certification or earlier version, or a configuration defined within the voting system's documentation. Critical elements of the voting system may be replicated to serve as a backup system. Critical elements include the software and database modules that comprise the election management system. Unmodified commercial-off-the-shelf (COTS) items may be replaced with like-kind items upon written concurrence from the voting system vendor and the Division. A vendor's uniquely qualified COTS that must comply with the vendor's Florida certification may not be replaced with like-kind items.

(b) Improvement to the election process. A certified system may be used in any manner approved by the vendor in an effort to improve the election process. However, any deviation from the documented procedures or manual for use and operation of the voting system must be approved in writing by the Division and notice provided to the vendor. Such documentation may be in the form of user notes, technical bulletins, or other suitable format.

(c) Training and education. A voting system may be used for training or educational purposes, provided security procedures include backup and sufficient safeguards to protect the database(s) and software from inadvertent or intentional corruption.

(d) Assessment. A Supervisor of Elections or a governing body may use a certified voting system in an assessment to examine or evaluate the system's security procedures, access control, system reliability and accuracy. The Supervisor of Elections shall implement appropriate procedures. A duplicate or backup voting system in lieu of a live system shall be used in any assessment whenever practicable.

1. An assessment may be conducted as a routine test, a system audit or an examination of the functionality of the software and firmware, including penetration testing. An assessment may also be conducted to identify or detect or to further examine any identified or detected potential or actual deficiency, problem, vulnerability or flaw in a certified voting system that relates to its hardware, software, design, operation,

vote tabulation, access control, system reliability and accuracy, or security including the potential for unauthorized manipulation and fraud. If a potential or actual deficiency, problem, vulnerability is identified or detected, the Supervisor of Elections must notify the Division and the affected vendor in writing no later than 10 days regardless of whether an assessment is conducted. The notice must include a description of the actual or proposed process to replicate, correct or mitigate the deficiency, problem, vulnerability or flaw.

2. Although the Supervisor of Elections is responsible for the conduct of an assessment, he or she may use the services of an independent professional person or entity. The services of an appropriate skill assessment team who are educated and experienced in assessments and whose credentials have been approved by the governing body may be used.

3. The Supervisor of Elections shall notify in writing the Division of its intent to conduct an assessment and include a test plan.

4. No assessment may be conducted within 45 days of a special, primary, general or presidential preference primary election.

5. Subject to minimum security standards for voting systems and the public records and copyright laws, the assessment of the voting system shall be conducted in public, and on location in the county of the respective Supervisor of Elections. The Supervisor of Elections shall publish on his or her official website, 14-day advance notice of the scheduled assessment. The supervisor shall also notify the vendor(s) of the certified voting system or equipment components affected by the test or assessment.

6. The Division may be present at the assessment or have access, in accordance with authority under Section 101.58, F.S.

7. The Supervisor of Elections shall ensure that the process and results of the assessment are documented. A written report shall be submitted to the Division no later than 20 days after the assessment is completed. The report shall include any recommendations for addressing any identified potential or actual deficiency, problem, vulnerability, or flaw. The Supervisor of Elections shall also flag all information in the report that is confidential and exempt under the public records law or otherwise protected under the copyright laws in a separate addendum to the report.

8. A copy of the report shall also be provided to the vendor(s) whose equipment or system was the subject of the assessment. The vendor(s) of the voting equipment or system affected by the assessment has 10 days from receipt of the assessment report to respond in writing to the Supervisor of Elections, the governing body and the Division.

9. The Supervisor of Elections shall develop and implement all available security procedures to correct or mitigate any adverse effect resulting from a deficiency, problem, flaw or vulnerability identified or detected by the assessment report.

10. After review of the report and vendor's response, the Division shall conduct, as needed, further studies, issue technical advisories to the supervisors of elections and the governing body regarding the results of the assessment, implement revised or new minimum security standards pursuant to Section 101.015(4), F.S., relating to the voting system, and determine if changes to the systems need to be made for subsequent certification.

(e) Beta testing. A Supervisor of Elections may conduct a beta test of non-certified voting equipment or system. A beta test can use a certified system, but the certified system needs to be imaged and reinstalled after the beta test. A system image is a copy of the entire state of a computer system stored in a non-volatile location.

1. The Supervisor of Elections shall provide written notice to the Division of its intent to conduct a beta test and include a test plan. The test plan must include, at a minimum, information about how or whether the new voting equipment or system or a certified voting equipment or system is being altered for purposes of the beta-test. The test plan must also include provisions that comply with the public records and copyright laws.

2. The Division of Election will review the test plan before the beta test is conducted. The Division does not need to approve the test plan if secondary hardware units will be used to conduct the assessment.

3. A beta test may not be performed within 45 days of a special, primary, general or presidential preference primary election.

4. The Supervisor of Elections shall ensure that the process and results of the beta test are documented. After completion of the beta test, a written report must be submitted to the Division and the vendor(s) whose voting equipment or system was beta tested. The test report shall include any recommendations for addressing any identified potential or actual deficiency, problem, vulnerability, or flaw. The Supervisor of Elections shall also flag all information in the test report that is confidential and exempt under the public records law or otherwise protected under the copyright laws in a separate addendum to the report.

(5) Notice of issues.

1. At any time during the purchase, sale, or use of voting equipment or voting system, a Supervisor of Elections or the governing board discovers that the equipment or system fails in any respect to meet the standards for certification under state law or fails to meet the specifications upon which a contract, agreement or other written representation was based, the Division shall be notified in writing.

2. A vendor of a certified voting system shall immediately notify the Division of any condition that may cause the vendor's product to fail in any respect to meet the standards for certification of voting equipment or system under state law.

3. The Division shall notify Supervisors of Elections when a certified voting equipment or voting system fails in any respect to meet the standards for certification under state law or when it has identified a potential or actual deficiency, problem, vulnerability or flaw identified or detected in a certified voting system that relates to its hardware, software, design, operation, vote tabulation, access control, system reliability and accuracy, or security. Such notice may be in the form of a technical advisory or bulletin, or other suitable format.

(6) Vendor Lists Maintained. The Division shall maintain on its website a current list of vendors for certified voting equipment and systems in the State.

(7) The effective date of this rule is January 1, 2012.

Rulemaking Specific Authority 20.10(3), 97.012(1), 101.293, 101.294 FS. Law Implemented 97.012(5), 101.015(7), 101.017, 101.292, 101.293, 101.294, 101.295, 101.5604, 101.5605(3)(b), 101.5605(4), 101.5607(1)(c), 101.58 FS. History—New 12-20-73, Amended 1-19-74, Repromulgated 1-1-75, Amended 5-20-76, Formerly 1C-7.04, Amended 7-7-86, Formerly 1C-7.004, Amended 1-1-12.

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 of State

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

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

## DEPARTMENT OF STATE

### Division of Elections

RULE NO.:	RULE TITLE:
1S-2.048	NVRA Voter Registration Agencies – Responsibilities

PURPOSE AND EFFECT: The purpose of the new rule is to ensure that each voter registration agency designated by the National Voter Registration Act (NVRA) of 1995 and by Section 97.058, F.S., complies with the requirements of NVRA. The proposed rules requires each such agency: 1) to designate a coordinator and act as a liaison to the Department of State's NVRA coordinator, 2) to ensure compliance with the federal and state law governing voter registration activities, 3) to record for each client voter registration services provided, 4) to report quarterly the number of applications for new registration and updates are received by using form DS-DE #131, NVRA Voter Registration Agencies Quarterly Activities Report Form and 5) to require training for staff. The proposed rule also incorporates by reference DS-DE #77-ENG and DS-DE #77-SPN, a form in English and in Spanish that combines the preference form (facilitates the tracking of voter registration activity) and a detachable national mail-in application form.

SUMMARY: NVRA duties of federal and state designated voter registration agencies.

## 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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S. 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), 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: 20.10(3), 97.012, 97.058(9), FS.

LAW IMPLEMENTED: 97.012(7), (10), 97.058 FS.; 42 U.S.C. 1973gg

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 17, 2011, 2:00 p.m.

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

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: Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399. 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, at (850)245-6536, Maria.Matthews@dos.myflorida.com or Dr. Gisela Salas, (850)245-6200, Gisela.Salas@dos.myflorida.com, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.048 NVRA Voter Registration Agencies – Responsibilities.

(1) General application. These provisions apply to voter registration agencies as designated by section 1973gg-5 of the National Voter Registration Act of 1993, and Section 97.021, F.S. Voter registration agencies are not considered third-party voter registration organizations. Applicable voter registration agencies include:

(a) Any office that provides public assistance (e.g., any office that provides assistance through the food assistance program under the federal Supplemental Nutrition Assistance Program, the Medicaid program, Children's Health Kidcare, Department of Children and Families Medicaid program, the Special Supplemental Food Program for Women, Infants, and Children, and the Temporary Cash Assistance Program).

(b) Any office that serves persons with disabilities. The office may be a stand-alone governmental agency or an office operating within a state or local government agency such as the Agency for Persons with Disabilities, a state-funded college or university, the Florida Department of Veterans' Affairs, the Florida Department of Children and Family Services, the Florida Department of Education's Division of Blind Services and Division of Vocational Rehabilitation.

(c) Any center for independent living as defined in Section 413.20, F.S.

(d) Any public library. A public library refers to any library that serves a community, district or region and provides an organized collection of printed and other library materials or combination thereof, paid staff, a schedule in which staff services are available to public, facilities to support collection, staff and schedule, and is supported in whole or in part with public funds. The term does not include an academic library.

(e) Any armed forces recruitment office.

(2) For purposes of designating a coordinate under subsection (3) and reporting voter registration activities under subsection (7), "each voter registration agency" refers to the highest level of administrative unit or a consortium unit that oversees and monitors activities over one or more jurisdictional office or district or regional offices or divisions.

(3) Coordinator. Each voter registration agency shall designate an agency coordinator for voter registration activities related to NVRA and Section 97.058, F.S. The coordinator shall:

(a) Notify the Division of Elections of his or her name and contact information and keep the Division up-to-date regarding any changes.

(b) Identify those agency staff whose duties involve offering new agency services or renewal or recertification thereof, or the intake of address changes for those services.

(c) Ensure that the duties of agency staff identified in paragraph (b) delineate responsibility to provide voter registration and update opportunities to their clients at the same time as they are being offered the agencies services.

(d) Provide training to agency staff identified in paragraph (b) which may be satisfied by in-house training, or training offered by the Supervisor of Elections' office, or the Department of State's NVRA Coordinator. The training should cover at a minimum the following topics: how and to whom voter registration services must be offered whether services are provided in person, by phone, online, or other means, how to process the voter registration of special classes of clients as victims of domestic violence or stalking violence, and high-risk professional classes of applicants who may be entitled to address confidentiality under certain circumstances, what the procedures are for advising clients of certain voter registration rights under federal and state law as set out in the preference form referenced further in this rule, how to make applications in electronic or paper format available or accessible, what is the degree of assistance required if client requests assistance to complete the application, what are the mandatory and optional fields of a voter registration application, how to record or track an agency's voter registration activities, and what is the process for collecting and submitting voter registration applications or if authorized by law, electronic voter registration information.

(4) Voter registration applications. A voter registration agency shall ensure that regardless of the manner in which the person applies (in-person, over the phone, online or other means), for new or renewal of agency services or for updates to his or her address with respect to those services, the person shall be offered the opportunity to apply for voter registration at the same time whether it is through access or availability of a voter registration application in paper form or electronic format or online, or through electronic intake. The person shall also be provided the same degree of assistance, if requested, as the assistance provided for the agency's own services.

(5) Notice of Rights. When a person applies for primary agency services or assistance from a voter registration agency for the first time or renews or recertifies eligibility for such services or assistance, or changes his or her address with respect to that service or assistance, the voter registration agency, with the exception of public libraries, must give in person or provide paper or electronic access to the following information about their rights:

(a) The right to apply to register or update his or her voter registration record through the voter registration agency, or decline to do so.

(b) The right to have his or her benefits or services unaffected by whether he or she decides to register or not register to vote.

(c) The right to ask for and receive the same degree of help to fill a voter registration application as the person would receive to apply for the agency's own services.

(d) The right to privacy so as to be able to complete a voter registration application without assistance, and to have a person's decision to register or not register be kept confidential including not disclosing to the public where a person submitted his or her voter registration information.

(e) The right to submit a complaint to the Florida Department of State if the person believes that someone has interfered with his or her right to apply to register or to decline to register, his or her right to privacy in such decision, or his or her right to choose his or her own political party.

(6) Preference form. The preference Form DS-DE #77-ENG, entitled "National Voter Registration Act Preference Form and Application" (eff. 01/2012, incorporated herein by reference, may be used to comply with the requirements in subsections (4) and (5). Otherwise, the voter registration agency must ensure that any programmatic or electronic interface with the client complies with the requirements in subsections (4) and (5). A Spanish version is also available and is entitled "National Voter Registration Act Formulario de Preferencia y Solicitud de Registrar (DS-DE #77-SPN, eff.01/2012). Both forms are available online at: <http://election.dos.state.fl.us/forms/index.shtml> or directly from the Division of Elections, Room 316, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, or by phone at (850)245-6200. A public library is not required to develop or use a preference form except when it is acting in the capacity of another voter registration agency.

(7) Data collection.

(a) On behalf of each voter registration agency, each voter registration coordinator shall report quarterly on the prior 3-months of voter registration activities. Such reports are due on April 15, July 15, October 15, and January 15. Such report shall be submitted to the Division of Elections. The coordinator shall use the form DS DE #131, entitled "NVRA Voter Registration Agencies Quarterly Activities Report Form," (eff. 01/2012) incorporated herein by reference. The form is available for electronic input on the Division's webpage at: <http://election.dos.state.fl.us/NVRA/index.shtml>. If the electronic system is not functioning, the form may be downloaded and submitted in hard-copy to the Division of Elections, at (850)245-6200, or R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250. Alternatively, subject to approval by the Department, a coordinator may submit the information in an electronic format using delimited text or excel spreadsheet. Except as provided in subsection (8) for public libraries, a voter registration agency must report the following aggregated data as set forth in the form.

1. How many clients declined to register or update their voter registration record. For purposes of this rule, the term "decline" does not include those persons who request that the application be mailed or who take an application in lieu of

completing or submitting voter registration information at the time of applying for or receiving new or renewal of agency services, or updating an address for those services.

2. How many clients sought new or a renewal of agency services or assistance or made an address change with an agency in each category: in person, by mail, via online, webservice, or electronic remote location, by telephone, or through home site visit.

3. How many voter registration applications were mailed to clients.

4. How many clients submitted voter registration information or an application to the agency (including applications received in the mail or delivered to the agency).

5. How many voter registration applications were forwarded for each county to the Supervisor of Elections' office, regardless of whether they were invalid, incomplete, or a duplicate of an existing registration.

(8) A public library must:

(a) Provide to its patrons access to a paper, electronic or other online voter registration application at the same time its patron applies for a new or renewal of a library card or updates an address for purposes of a library card.

(b) Assist patrons if help is requested to complete the voter registration application to the same degree it provides assistance with the completion of its own forms to obtain a new library card or renewal thereof, or to update their address.

(c) Report to the Department of State, the number of voter registration applications forwarded by each public library in the county to the local Supervisor of Elections' office.

(9) This rule is effective January 1, 2012.

Rulemaking Authority 20.10, 97.012(9), 97.058 FS. Law Implemented 97.058 FS., 42 U.S.C. 1973 gg. History—New 1-1-12.

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 of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2011

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

## REGIONAL PLANNING COUNCILS

### North Central Florida Regional Planning Council

RULE NO.:

RULE TITLE:

29C-9.001

Strategic Regional Policy Plan

PURPOSE AND EFFECT: The Council proposes to amend the North Central Florida. Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report completed in accordance with Section 186.511, F.S., as well as recommendations developed by the

Council in response to public comments received during rule development workshops held on the proposed amendments in accordance with Section 120.54, F.S.

**SUMMARY:** The proposed rule amendment updates the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations contained in its evaluation and appraisal report as well as recommendations developed by the Council in response to public comments received during rule development workshops held on the proposed amendments.

**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:** 186.505, 186.507, 186.511, 120.54 FS.

**LAW IMPLEMENTED:** 186.511 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:** October 27, 2011, 7:30 p.m.

**PLACE:** Holiday Inn Hotel and Suites, Suwannee Room, 213 S.W. Commerce Drive, Lake City, Florida

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 2 business days before the workshop/meeting by contacting: (352)955-2200. 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:** Scott R. Koons, Executive Director, North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, FL 32653-1603

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

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated May 23, 1996, amended October 16, 1997, ~~and~~ February 27, 2003, and October 27, 2011, which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N.W. 67th Place, Gainesville, FL 32653-1603.

The referenced document which is the subject of this proposed rulemaking notice is available free of charge at [http://www.ncfrpc.org/Publications/SRPP/NCFRPC\\_SRPP\\_EAR-BasedProposedAmendments6-30-2011.pdf](http://www.ncfrpc.org/Publications/SRPP/NCFRPC_SRPP_EAR-BasedProposedAmendments6-30-2011.pdf).

**Rulemaking Specific Authority** 186.508(1), 186.511 FS. Law Implemented 120.535(1), 186.507, 185.501(1), 186.511 FS. History—New 7-14-96, Amended 10-16-97, 2-27-03, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Scott R. Koons, Executive Director

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** North Central Florida Regional Planning Council

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 25, 2011

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE NO.:** 40D-1.002 **RULE TITLE:** Delegation of Authority

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to incorporate by reference an Amendment to the Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, which Amendment extends the Agreement for another 5 years.

**SUMMARY:** Since 2006, the Southwest Florida Water Management District (District) has delegated authority to the Marion County Health Department (MCHD) to administer the water well construction permitting program in that portion of Marion County situated within the District. This rulemaking will incorporate by reference an Amendment to the Agreement to continue such delegation for another five years through September 2016. Under the Agreement, MCHD will continue to review applications and issue water well construction permits, monitor and inspect well construction activities, undertake compliance and enforcement actions when appropriate and report activities to the District.

**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:



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, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC No. 2011033)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) through (b) No change.

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective October 1, 2009, and Amendment, effective October 1, 2011.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tony Gilboy, Well Construction Regulation Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-24.003

RULE TITLE:

Rental Agreement Extensions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is duplicative of Section 718.608, Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: There are no other rules incorporating this rule.

EFFECT ON THOSE OTHER RULES: Not applicable

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: 718.501(1)(f), 718.621 FS.

LAW IMPLEMENTED: 718.606 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: October 19, 2011, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-1030 or sharon.malloy@dbpr.tate.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.003 Rental Agreement Extensions.

Rulemaking Specific Authority 718.501(1)(f), 718.621 FS. Law Implemented 718.606 FS. History—New 7-2-81, Formerly 7D-24.03, 7D-24.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes

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: September 12, 2011

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-5.007	Certificates of Competency and License Registrations, Initial, Renewal; General Liability Insurance Coverage

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory changes enacted by Chapter 2010-110, Laws of Florida; update licenser, registration, and renewal requirements; adopt forms; and provide a plain language update.

SUMMARY: The proposed rule specifies the licenser and registration time frames for validity and expiration; adopts licenser and registration forms; specifies the certificate of competency is a credential only; specifies requirements for licenser, registration, and renewal; defines “good standing” as the term relates to certified elevator inspectors; and delineates the general liability insurance requirements for certified elevator technicians, certified elevator inspectors, and registered elevator companies. The proposed rule also amends the section title to reflect fully the contents of the rule section.

### 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: 399.01, 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.01(12), 399.01(13), 399.01(14), 399.01(16), 399.17 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, e-mail: Michelle.Comingore@dbpr.state.fl.us; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.007 Fees; Certificates of Competency and License Registrations, Initial, Renewal; General Liability Insurance Coverage.

(1)(a) Each initial certificate of competency and each initial registration for a certified elevator technician, certified elevator inspector, or elevator company license shall be valid for the remainder of the calendar year. The initial application for a certificate of competency shall be accompanied by a fee of \$100.

(b) Except as otherwise specified in this rule, renewal certificates of competency and annual licenses shall be valid January 1 through December 31. All certificates and licenses, as specified in this section, expire on December 31 at 11:59 p.m. of each year unless renewed by the division.

(c) A renewal application for a certificate of competency, including fee payment, or an annual license registration postmarked on or after January 1 will be deemed delinquent. A certificate of competency or annual license registration resulting from a delinquent submission shall be valid from the date renewed or issued by the division through December 31 each year.

(d) Expired certificates and licenses are not valid and the certificate holder or licensee is not authorized to perform any work under an expired certificate or license until the division approves and completes a renewal.

(2) Certificate of Competency. Pursuant to subsections 399.01(14) and (16), F.S., the certificate of competency is a credential only and does not authorize any work to be performed. A certificate of competency holder must register with and obtain a license from the division as a certified elevator technician before constructing, installing, maintaining or repairing an elevator or as a certified elevator inspector

before constructing, installing, maintaining, repairing or inspecting an elevator. The renewal application for a certificate of competency shall be accompanied by a fee of \$50.

(a) Initial. The following items are required for an initial certificate of competency and must be received by the division before a certificate of competency may be issued:

1. DBPR HR-7014, APPLICATION FOR CERTIFICATE OF COMPETENCY AND CERTIFIED ELEVATOR TECHNICIAN REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00598>) incorporated herein by reference and effective 2011 August 16;

2. The \$50 fee; and

3. One of the following:

a. Proof of a mechanical engineer license in good standing.

b. Proof of successful completion of the requirements specified in Section 399.01(16)(a), F.S. Applicants qualifying by examination must provide proof of passage of the certificate of competency examination, mechanics examination, or elevator technician examination conducted by the division or an approved provider covering the construction, installation, maintenance, and repair of elevators and their associated parts. The applicant must pass the examination within two years of the date of application.

(b) Renewal. The division must receive proof of completion of eight (8) hours continuing education as described in Rule 61C-5.0085, F.A.C., and the \$50 fee before a renewed certificate of competency may be issued.

(c) Expired certificates of competency become null and void on March 1 and are no longer renewable. Certificate of competency holders whose certificate becomes null and void must submit an initial application for a certificate of competency, including all documentation and fees required by paragraph (2)(a). A new certificate of competency will be issued upon receipt of all required documentation and fees.

(d) Information on completing DBPR HR-7014 is provided in DBPR HR-7014i, INSTRUCTIONS FOR COMPLETING DBPR HR-7014 APPLICATION FOR CERTIFICATE OF COMPETENCY AND CERTIFIED ELEVATOR TECHNICIAN REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00599>) incorporated herein by reference and effective 2011 August 16.

(3) Certified Elevator Technician. Each natural person desiring to perform the duties of a certified elevator technician must annually register with and be licensed by the division before constructing, installing, maintaining, or repairing an elevator. All applicants for a Certificate of Competency must have a degree in mechanical or electrical engineering from a four year, accredited College or University or equivalent work experience in the construction, installation, inspection, maintenance, and repair of elevators. Work in the areas indicated above may be substituted on a year for year basis for the required College training.

(a) The following items are required for initial registration and licensure as a certified elevator technician:

1. DBPR HR 7014, APPLICATION FOR CERTIFICATE OF COMPETENCY AND CERTIFIED ELEVATOR TECHNICIAN REGISTRATION; and

2. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(b) The following items are required to renew a certified elevator technician license registration:

1. A valid certificate of competency issued by the division; and

2. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(4) Certified Elevator Inspectors. Each person desiring to perform the duties of a certified elevator inspector must annually register with and be licensed by the division before constructing, installing, inspecting, maintaining, or repairing an elevator. Each Certificate of Competency shall be issued for a calendar year and shall expire at the end of the year unless renewed by the division. For the purpose of this section, certificates will expire on December 31 at 11:59 p.m. of each year. Applications for renewal certificates of competency must be paid by January 1 of each year.

(a) The following items are required for initial registration and licensure as a certified elevator inspector:

1. DBPR HR-7017, APPLICATION FOR CERTIFIED ELEVATOR INSPECTOR REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00597>) incorporated herein by reference and effective 2011 August 16;

2. A copy of the registrant's valid qualified elevator inspector credential issued by the American Society of Mechanical Engineers (ASME), or its accrediting bodies, in good standing at the time of application; and

3. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(b) The following items are required to renew a certified elevator inspector license registration:

1. Proof of completion of the required continuing education as described in Rule 61C-5.0085, F.A.C.;

2. A copy of the registrant's valid qualified elevator inspector credential issued by the ASME, or its accrediting bodies, that remained in good standing throughout the license year; and

3. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(c) The division shall not renew a certified elevator inspector license registration if the qualified elevator inspector credential did not remain in good standing throughout the license year. Good standing means the qualified elevator inspector credential was not suspended, revoked, or otherwise disciplined by the issuing body, or allowed to expire or lapse.

(d) Information on completing DBPR HR-7017 is provided in DBPR HR-7017i, INSTRUCTIONS FOR COMPLETING DBPR HR-7017 APPLICATION FOR CERTIFIED ELEVATOR INSPECTOR REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00596>) incorporated herein by reference and effective 2011 August 16.

~~(5) Before an initial Certificate of Competency is issued by the division, the applicant must pass an examination conducted by the division or its designee covering the construction, installation, inspection, maintenance, and repair of elevators and their appurtenances.~~

~~(5)(6) Registered Elevator Companies.~~ Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must annually register with and be licensed by the division.

(a) The following items are required for initial registration and licensure as a registered elevator company:

1. Completed DBPR HR-7026, APPLICATION FOR ELEVATOR COMPANY REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00600>) incorporated herein by reference and effective 2011 August 16;

2. Proof of general liability insurance coverage as described in paragraph (6)(c); and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and

3. The name and certificate or license number of at least one employee who holds a current cCertificate of cCompetency issued pursuant to Section 399.01(16), F.S. 399.01(17), Florida Statutes, and subsection (2) of this rule, or who is a certified elevator inspector licensed by the division pursuant to Section 399.01(13), F.S., and subsection (4) of this rule.

(b) The following items are required to renew a registered elevator company license registration:

1. Proof of general liability insurance coverage as described in paragraph (6)(c); and

2. The name and certificate or license number of at least one employee who holds a current certificate of competency issued pursuant to Section 399.01(16), F.S., and subsection (2) of this rule, or who is a certified elevator inspector licensed by the division pursuant to Section 399.01(13), F.S., and subsection (4) of this rule.

(c) Information on completing DBPR HR-7026 is provided in DBPR HR-7026i, INSTRUCTIONS FOR COMPLETING DBPR HR-7026 APPLICATION FOR ELEVATOR COMPANY REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00601>) incorporated herein by reference and effective 2011 August 16.

~~(7) Any elevator company that fails to register with the division is subject to an administrative fine set by the division not greater than \$500 in addition to any other penalty provided by law.~~

~~(6)(8) General Liability Insurance Coverage.~~

(a) Certified elevator technicians and certified elevator inspectors performing work for a registered elevator company must be covered by general liability insurance in the minimum amounts of \$100,000 per person and \$300,000 per occurrence.

~~(b) A Each certified elevator inspector or and each certified elevator technician who, independent of a registered elevator company as defined in Section 399.01(13), F.S., inspects, maintains, or repairs a performs any services on any vertical conveyance regulated Under Chapter 399, F.S., by the bureau must first have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence prior to performing any services independent of a registered elevator company.~~

(c) A registered elevator company must maintain general liability insurance coverage in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and file with the division a Certificate of Comprehensive General Liability Insurance indicating the minimum required coverage amounts.

(7) Copies of the forms incorporated within this section are available from the Division of Hotels and Restaurants Internet website at [www.MyFloridaLicense.com/dbpr/hr](http://www.MyFloridaLicense.com/dbpr/hr); by e-mail to [dh.elevators@dbpr.state.fl.us](mailto:dh.elevators@dbpr.state.fl.us); or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Rulemaking Specific Authority 550.0251(3), 550.105(2)(b), (10) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill L. Veach, Director, Division of Hotels and Restaurants,  
Department of Business and Professional Regulation

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: September 6, 2011

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: RULE TITLE:

61G4-16.009 Examination and Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify reexamination requirements

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify reexamination requirements.

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

Any person who wishes to provide information regarding 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. It has also been determined that the rule does not meet the threshold for ratification by Legislature.

RULEMAKING AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, FL 32314-5257

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

61G4-16.009 Examination and Reexamination.

(1)(a) The general areas of competency to be covered by the examination for general, building, residential, sheet metal, roofing, class A and B air conditioning, mechanical, commercial pool/spa, residential pool/spa, swimming pool/spa servicing, plumbing, underground utility and excavation, specialty structure, solar, pollutant storage, gypsum drywall, glass and glazing, and gas line contractors, and the relative weight to be assigned in grading each area tested shall be as specified in Rule 61G4-16.001, F.A.C.

(b) Reexamination.

1. No change.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within four ~~two~~ years of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all

parts of the test as specified in Rule 61G4-16.001, F.A.C. ~~A candidate may take any specific part of the test no more than six times in the two year period.~~

3. A candidate who fails to achieve a passing score on the examination in whole or in part ~~must on his or her first or second attempt~~ may submit an application to retake the certification examination to the examination vendor no less than thirty (30) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in subsection (3) below.

(2) through (4) No change.

Rulemaking Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, 11-3-06, 5-8-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2011

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: RULE TITLE:

64B14-5.005 Mandatory Courses

PURPOSE AND EFFECT: The purpose of this rule amendment is to require education in proper medical records keeping to educate licensees on proper recordkeeping to help prevent medical errors.

SUMMARY: The proposed rule is amending the mandatory courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion 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. 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. 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: 468.802 FS.

LAW IMPLEMENTED: 468.802, 468.803, 468.806 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: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-5.005 Mandatory Courses.

(1) Mandatory courses consist of the following:

(a) No change.

(b) Two hours relating to the prevention of medical errors, which shall include a study of root cause analysis, error reduction and prevention, and patient safety; and, beginning December 1, 2011, a Board approved medical records course.

(c) through (d) No change.

(2) through (6) No change.

Rulemaking Authority 468.802 FS. Law Implemented 468.802, 468.803, ~~468.808, 468.809~~ FS. History—New 4-12-10, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2010

## DEPARTMENT OF HEALTH

### Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:

64B14-7.002 Patient Records

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide guidance to licensees concerning proper medical records.

SUMMARY: The rule amendment will provide guidance to licensees concerning proper medical records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: During discussion 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. 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. 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: 456.057(16), 468.802 FS.

LAW IMPLEMENTED: 456.057(16), 468.802 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.002 Patient Records.

(1) Licensees and Registrants shall prepare and maintain in a timely manner patient records which include, at a minimum, the following:

(a) through (f) No change.

(g) Progress notes for each session must include the treatment provider's name and signature, and date of occurrence. In the event the treatment provider is a Resident or Intern as defined in subsection 64B14-7.001(5), F.A.C., the licensed supervisor shall countersign each progress note.

(h) Progress notes shall be typed or handwritten in black or blue ink and in such a manner that all material is clearly legible, including the treatment provider's name and signature.

(2) through (3) No change.

Rulemaking Authority 456.057(16), 468.802 FS. Law Implemented 456.057(16), 468.802 FS. History—New 7-1-98, Amended 6-22-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2010

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE NO.: 68A-15.063  
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northwest Region

**PURPOSE AND EFFECT:** The proposed rule change would revise specific area regulations related to the use of deer dogs for hunting on the Jackson County portion of Econfina Creek Wildlife Management Area (WMA). The effect of the proposed rule change will be to allow the use of dogs to hunt deer in the Jackson County portions of the WMA, in keeping with current uses of surrounding private hunting lands.

**SUMMARY:** The proposed rule change would allow the use of deer dogs for hunting on the Jackson County portion of Econfina Creek WMA during the general gun season.

### 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:

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

**RULEMAKING AUTHORITY:** Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution; 379.2223, 375.313 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:** Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

- (1) through (21) No change.
- (22) Econfina Creek Wildlife Management Area.

(a) through (e) No change.

(f) General regulations:

1. No change.

2. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited in those portions of the area that are Jackson County and areas west of State Road 77; south of State Road 20; east of Econfina Creek; east of Ten-mile Creek; west of Econfina Road and south of Greenhead Road; and north of Duma Jack Road, except that dogs may be used in that portion of the area in Jackson County and to take raccoons (except in the mobility-impaired hunt area).

3. through 11. No change.

(23) through (27) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, \_\_\_\_\_.

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

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

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 7, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 23, 2010

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE NO.: 68A-17.005  
 RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

**PURPOSE AND EFFECT:** The purpose of the proposed rule change is to provide increased public access to Crooked Lake Wildlife and Environmental Area (WEA). The proposed rule would allow access by bicycle and horseback.

SUMMARY: Currently, public access to Crooked Lake WEA is restricted to foot (pedestrian) access only. The proposed rule would allow access by bicycle and horseback on established roads, firelines and designated trails. As a condition of the cooperative purchase agreement, only passive recreation is allowed.

#### 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:

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (i) No change.

(j) Crooked Lake Mitigation Park – Polk County.

1. Possession of any animal is prohibited, except horses are allowed.

2. All persons shall enter and exit the area only at designated entrances.

3. Public access other than by foot (pedestrian), bicycle or horse (equestrian) is prohibited. Horses and bicycles may be ridden only on established roads, firelines and designated trails.

4. Public access is prohibited from one-half hour after sunset to one-half hour before sunrise.

(k) No change.

(2) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 1-6-09, 7-1-09, 10-29-09, 7-1-10, 7-1-11,\_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:

Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

#### FISH AND WILDLIFE CONSERVATION COMMISSION

##### Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-27.001 Definitions

PURPOSE AND EFFECT: The purpose of the proposed rule is to address the concerns raised by the Joint Administrative Procedures Committee. The effect will be to amend definitions in Rule 68A-27.001, F.A.C., for consistency with the creation of a new, separate list of marine endangered and threatened species in Rule 68A-27.0031, F.A.C., which is being created under a separate rule proposal.

SUMMARY: The proposed amendments revise the definitions for the following terms: Florida Endangered and Threatened Species, Federally-designated Endangered and Threatened Species, and State-designated Threatened Species. These changes are for consistency with other proposed revisions to Chapter 68A-27, F.A.C.

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:

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

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

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

**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:** Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**68A-27.001 Definitions.**

When used in this rule chapter, the terms and phrases listed below have the meaning provided:

(1) Florida Endangered and Threatened Species – ~~species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are designated by native to Florida which are endangered and threatened under~~ Commission rule as either:

(a) Federally-designated Endangered and Threatened species as defined below by virtue of designation as endangered or threatened by the United States Departments of Interior or Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto; or

(b) ~~As a~~ State-designated Threatened species as defined below. Florida Endangered and Threatened species retain their status regardless of subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the species listed.

(2) Federally-designated Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Endangered and Threatened under Commission rule by virtue of designation by the United States Departments of Interior or Commerce as endangered or threatened under the

Federal Endangered Species Act, 16 U.S.C. § 1531 et seq. and rules thereto; the definition of Federally-designated Endangered and Threatened Species does not include species that are not within the Commission's constitutional authority.

(3) State-designated Threatened Species – As designated by the Commission, species of fish or wild animal life, subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated otherwise in Commission rule.

(a) through (e) No change.

(4) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-8-10, Amended

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 7, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 23, 2010

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

**RULE NO.:**  
68B-42.007

**RULE TITLE:**  
Gear Specifications and Prohibited Gear

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to prohibit use of power tools for the harvest or attempted harvest of octocorals from state waters and federal EEZ waters adjacent to state waters. The Gulf of Mexico Fishery Management Council intends to remove octocorals from its Coral and Coral Reefs Fishery Management Plan (FMP) and the South Atlantic Fishery Management Council is in the process of redefining the fishery management unit in their Coral, Coral Reef, and Live/Hardbottom Habitat FMP to

exclude allowable octocorals in federal waters off Florida. These actions would result in the repeal of federal regulations for octocorals and allow Florida to take over management of these species in federal waters off Florida. Based on Commission direction and at the request of the Councils, Florida agreed to manage the octocoral fishery in both state and federal waters.

The effect of this rule amendment would be to prohibit use of power tools for the harvest or attempted harvest of octocorals from state waters and federal EEZ waters adjacent to state waters. This change is not expected to affect the octocoral fishery because similar rules are currently in effect in federal waters.

SUMMARY: Rule 68B-42.007, F.A.C., (Gear Specifications and Prohibited Gear) would be modified to prohibit use of power tools for the harvest or attempted harvest of octocorals from state waters and federal EEZ waters adjacent to state waters.

**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:

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:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

**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:** William Teehan, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

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

68B-42.007 Gear Specifications and Prohibited Gear.

(1) through (3) No change.

(4) A power tool may not be used to harvest or attempt to harvest octocorals from state waters or from federal EEZ waters adjacent to state waters.

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, 9-30-96, Formerly 46-42.007, Amended 7-1-09, 10-31-11.

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:** William Teehan, Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 8, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 23, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69B-156.119	Application in Advertisement
69B-156.120	Enforcement Procedures
69B-156.121	Filing for Review

**PURPOSE AND EFFECT:** Rule 69B-156.119, F.A.C., is being repealed since it is obsolete. Rules 69B-156.120 and 69B-156.121, F.A.C., are duplicative of Rules 69O-156.120 and 69O-156.121, F.A.C., which are administered by the Office of Insurance Regulation.

**SUMMARY:** Rules 69B-156.119, 69B-156.120, and 69B-156.121, F.A.C., are repealed.

**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: 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: 624.308(1), 626.9611, 627.6735 FS.

LAW IMPLEMENTED: 624.307(1), 624.317, 624.428, 626.830, 626.9541(1), 626.9641(1), 627.6515(6), 627.6735 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: October 17, 2011, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines 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: Cindy Benefield, (850)413-5404 or Cindy.Benefield@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: Cindy Benefield, Senior Management Analyst, Division of Insurance Agents and Agency Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5404

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

##### 69B-156.119 Application in Advertisement.

Rulemaking Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 624.428, 626.830, 626.9541(1)(a), (b), (c), (e), (k), (l), 626.9641(1), 627.6515(6) FS. History—New 6-12-88, Formerly 4-46.018, 4-156.119, Repealed.

##### 69B-156.120 Enforcement Procedures.

Rulemaking Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 624.317, 626.9541(1)(a), (b), (e), (k), (l), 626.9641(1) FS. History—New 6-12-88, Formerly 4-46.019, 4-156.120, Repealed.

##### 69B-156.121 Filing for Review.

Rulemaking Specific Authority 624.308(1), 626.9611, 627.6735 FS. Law Implemented 624.307(1), 626.9541(1)(a), (b), (e), (k), (l), 626.9641(1), 627.6735 FS. History—New 6-12-88, Amended 9-4-89, Formerly 4-46.020, 4-156.121, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Director, Division of Insurance Agents and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

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

#### DEPARTMENT OF FINANCIAL SERVICES

##### Division of Insurance Agents and Agency Services

###### RULE NOS.:

69B-177.001

69B-177.002

###### RULE TITLES:

Salesmen Not to Imply Club is Insurance Company

Persons Not Authorized to Solicit or Sell Insurance Unless Licensed as Insurance Agent

PURPOSE AND EFFECT: These rules are being repealed since they are obsolete and unnecessary.

SUMMARY: Rules 69B-177.001 and 69B-177.002, F.A.C., are repealed.

#### 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: 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: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 626.112, 626.9541(1)(b) 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: October 17, 2011, 11:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines 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: Cindy Benefield, (850)413-5404 or Cindy.Benefield@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: Cindy Benefited, Senior Management Analyst, Division of Insurance Agents and Agency Services, 200 E. Gains Street, Tallahassee, FL 32399, (850)413-5404

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-177.001 Salesmen Not to Imply Club is Insurance Company.

Remaking Specific Authority 624.308(1), 626.9611 FS. Law Implemented 626.9541(1)(b) FS. History—Repromulgated 12-24-74, Formerly 4-12.02, 4-12.002, 4-177.001, Repealed.

69B-177.002 Persons Not Authorized to Solicit or Sell Insurance Unless Licensed as Insurance Agent.

Rulemaking Specific Authority 624.308(1) FS. Law Implemented 626.112 FS. History—Repromulgated 12-24-74, Formerly 4-12.03, 4-12.003, 4-177.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Director, Division of Insurance Agents and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwitter, Chief Financial Officer, Department of Financial Services

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

### Section III

## Notices of Changes, Corrections and Withdrawals

### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.: 1S-2.039 RULE TITLE: FVRS Voter Registration Processes

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly.

The following statement of legislative ratification was omitted and should be added to the Notice:

Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., 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), F.S.

### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.: 1S-2.040 RULE TITLE: Statewide Uniform Voter Registration Application

#### NOTICE OF CORRECTION

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### DEPARTMENT OF EDUCATION

#### Education Practices Commission

RULE NO.: 6B-11.009 RULE TITLE: Documentation of Mitigation, Aggravation, and Legal Argument

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

### DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-51.010	Purpose
14-51.011	Definitions
14-51.012	Trailblazing Signs
14-51.013	Sign Evaluation Process
14-51.014	General Criteria
14-51.020	Supplemental Guide Signs
14-51.021	General Service Signs
14-51.030	Supplemental Guide Signs
14-51.031	General Services Signs
14-51.040	Exclusions
14-51.041	Criteria for Unincorporated Areas
14-51.042	Sign Characteristics
14-51.043	Customized Place Name Signs
14-51.051	Standards
14-51.052	Design
14-51.053	Installation
14-51.054	Informational Guide Signs
14-51.061	TODS Program Implementation
14-51.062	General Criteria for TODS on the SHS