

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: 6A-1.09441
RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to update the "Course Code Directory and Instructional Personnel Assignments" by which school districts receive FEFP (Florida Education Finance Program) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

SUBJECT AREA TO BE ADDRESSED: Revisions to the "Course Code Directory and Instructional Personnel Assignments" for the 2012-2013 school year.

RULEMAKING AUTHORITY: 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.535, 1009.536, 1011.62(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mathew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: 6A-6.0252
RULE TITLE: Use of Prescribed Pancreatic Enzyme Supplements

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address self-administration of pancreatic enzyme medication by students diagnosed with pancreatic insufficiency or cystic fibrosis enrolled in the public school system.

SUBJECT AREA TO BE ADDRESSED: The self-administration of pancreatic enzyme medication by students diagnosed with pancreatic insufficiency or cystic fibrosis.

RULEMAKING AUTHORITY: 1002.20(3)(k) FS.

LAW IMPLEMENTED: 1002.20(3)(k) FS.

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

DATE AND TIME: November 8, 2011, 9:00 a.m. until completion

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Room 1701, Tallahassee, Florida 32399. Conference call 1(888)808-6959, When prompted, enter your Conference Code (6351196864) followed by #.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathy Bishop, Interim Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399, (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: 6A-6.054
RULE TITLE: K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose of this rule development is to update and align the criteria for reading intervention placement with Sections 1003.4156(5)(b) and 1003.428(2)(b), (l), Florida Statutes, which provide an exemption from reading intervention for middle and high school students who score at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years. Such a student may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted. The

Academic Improvement Plan for students that receive an exemption must include specific actions that schools, students, and parents will take, in lieu of student enrollment in reading intervention, to improve achievement in reading. This change recognizes that certain students with a history of high performance on the FCAT in Reading scoring Level 1 or 2 on FCAT Reading and/or proficiency on other state assessments may benefit most from instruction outside of reading intervention.

SUBJECT AREA TO BE ADDRESSED: K-12 Reading Intervention Requirements.

RULEMAKING AUTHORITY: 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1003.4156, 1003.428, 1008.25 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: Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0445. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the amount of time an inmate may spend in a dry cell as a result of a claimed inability to urinate in the presence of others.

SUBJECT AREA TO BE ADDRESSED: Inmate substance abuse testing.

RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (2) No change.

(3) Procedures.

(a) through (c) No change.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6. In this circumstance, the inability to urinate is not treated as a medical condition, and the officer does not need to verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. However, such inmates shall be limited to up to one hour in the dry cell rather than two.

(e) through (h) No change.

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, 11-28-10, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-5.014 RULE TITLE: Scheduling of Hearings

PURPOSE AND EFFECT: Section 443.151(4)(b)5.c., Florida Statutes, as amended by chapter 2011- 235, Laws of Florida, requires that hearsay evidence used as the basis for a finding of fact be provided to all parties in advance of the hearing to provide a reasonable time to for the party's to review the proffered evidence. Additionally, the public must be provided an ability to listen in to the appeal hearings and review applicable documents upon request.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-5.014 Scheduling of Hearings.

(1) through (2) No change.

(3) If any party wishes to submit evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., as the basis for a finding of fact, notwithstanding Section 120.57(1)(c), F.S., the party must arrange for delivery of the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time. If the hearing is scheduled for a Monday or a day following a holiday, the Saturday and Sunday or the holiday will be excluded from the calculation of the 24 hour period. The 24 hour period will provide the party against whom the evidence is offered a reasonable opportunity to review such evidence prior to the hearing.

(4) Waiver. If the party submitting evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., fails to provide the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time, and all parties to whom the evidence was improperly provided appear at the hearing, the referee shall inquire whether such parties are willing to waive their rights set forth in subsection (3). If the appeals referee obtains informed and intelligent consent from all parties to whom the evidence was not properly provided, the referee may proceed to consider the evidence.

(5)(3) Any member of the public wishing to listen to attend a telephone hearing and inspect documents may do so by contacting the Office of Appeals at MSC 347, 107 E. Madison Street, Tallahassee, Florida 32399-4143 or the appeals office to which the case is assigned at the location of the appeals referee.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b), (d) FS. History—New 5-22-80, Formerly 38E-5.14, Amended 10-5-86, 3-11-99, Formerly 38E-5.014, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: RULE TITLE:

60BB-5.024 Conduct of the Hearing

PURPOSE AND EFFECT: To require that an appeals referee state on the record the reason for refusing to accept into evidence written or physical material presented at the hearing.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-5.024 Conduct of the Hearing.

(1) through (2) No change.

(3) Evidence.

(a) through (c) No change.

(d) The hearing need not be conducted according to the technical rules regarding evidence and witnesses. When the appeals referee declines to accept as evidence any written or physical material presented for consideration, the appeals referee should specifically address on the record or in the written decision the reason the material was rejected. A party or the party's representative may state an objection to the referee's acceptance of written or physical material or refusal to accept written or physical material as evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding of fact unless it would be admissible over objection in civil actions. A party or the party's representative may also advise the appeals referee of a defect in the character of any evidence introduced by voicing an objection. The objecting party shall be given an opportunity to explain the grounds for the objection. Failure of a party to voice an objection to any evidence introduced at the hearing or to the referee's refusal to accept as evidence any written or physical material shall not prevent the party from raising the objection on appeal to the Unemployment Appeals Commission.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History—New 5-22-80, Formerly 38E-5.24, Amended 8-20-86, Formerly 38E-5.024, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: RULE TITLE:

60BB-5.025 Decision

PURPOSE AND EFFECT: To require that an appeals referee state in the Decision of the Appeals Referee the rationale by which hearsay evidence on which a finding of fact is based was determined to be admissible pursuant to Section 443.151(4)(b)5.c.(I) and (II), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Decision of the Unemployment Appeals Referee.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-5.025 Decision.

(1) through (2) No change.

(3) The decision shall include, but not be limited to, the following:

(a) A statement of the referee's jurisdiction;

(d) An analysis of the findings including a concise and explicit statement of the underlying evidence in the record which supports the findings.

1. Where a finding is based solely on hearsay, notwithstanding Section 120.57(1)(c), F.S., as provided in Section 443.151(4)(b)5.c., F.S., the appeals referee shall set forth the rationale by which the evidence was determined to be admissible in accordance with Section 443.151(4)(b)5.c.(I) and (II), F.S.

2. If confronted with conflicting evidence with respect to a disputed issue of fact, the finding of which is determinative of the outcome of the appeal, the appeals referee shall acknowledge such conflict and set forth the rationale by which the conflict was resolved.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Formerly 38E-5.25, Amended 8-20-86, Formerly 38E-5.025, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.:

RULE TITLE:

60S-4.020

Retiree Health Insurance Subsidy

PURPOSE AND EFFECT: To incorporate by reference three existing Division forms that were previously adopted in Rule 60S-9.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Propose to incorporate by reference into this rule three Division forms that were previously adopted in Rule 60S-9.001, F.A.C.

RULEMAKING AUTHORITY: 112.363(7), 121.031(1) FS.

LAW IMPLEMENTED: 112.363 FS.

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

DATE AND TIME: November 4, 2011, 10:00 a.m., ET

PLACE: Division of Retirement, Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg. 8, 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 2 days before the workshop/meeting by contacting: Richard Clifford, Senior Benefits Analyst, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.:

RULE TITLE:

61A-5.010

Completed Application

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to update application forms to be submitted for new licensure, transfer of ownership of a license, change of business name or mailing address of a license and request to withdraw an application in process. The rule amendment also clarifies certain information to accompany the application form and removes language no longer valid or that exceeds statutory authority.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Doherty, Chief, Bureau of Licensing, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:

61G1-11.005 Probable Cause Determinations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to specify the number of members on the PCP.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determinations.

RULEMAKING AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:

61G1-24.001 Continuing Education for Architects

PURPOSE AND EFFECT: The Board proposes the rule amendment in order for consideration of increasing the number of continuing education hours required to become aligned with the NCARB model rules.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Architects.

RULEMAKING AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3), (4), (5), (6) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NOS.: RULE TITLES:

61G6-5.003 Requirements Certification

61G6-5.004 Requirement for Business Organizations

61G6-5.010 Statement of Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the requirements for certification; to update the requirement for compliance with Section 489.522(2)(c), F.S. regarding the primary qualifying agent's authority for approving checks, payments, drafts and contracts on behalf of the business organization; to clarify the language concerning the statement of authority.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification; Requirement for Business Organizations; Statement of Authority.

RULEMAKING AUTHORITY: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511(2), 489.515(1), 489.521, 489.522 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.001	Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application procedure and forms.

SUBJECT AREA TO BE ADDRESSED: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

RULEMAKING AUTHORITY: 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

LAW IMPLEMENTED: 455.213(11), 455.2281, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.002	Annual Assessment on Gross Florida Payroll

PURPOSE AND EFFECT: The Board proposes the rule amendment to consider reducing the annual assessment fee.

SUBJECT AREA TO BE ADDRESSED: Annual Assessment on Gross Florida Payroll.

RULEMAKING AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.526 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: Richard

Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-7.008	Mailing Address

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning address of record.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.275 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-8.002	Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to include disciplinary guidelines for appraisal management company violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.6221(3), 475.624, 475.6425, 475.626 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: Juana

Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
61J1-8.005 Revocation

PURPOSE AND EFFECT: The Board proposes the rule amendment to include requirements for appraisal management companies.

SUBJECT AREA TO BE ADDRESSED: Revocation.

RULEMAKING AUTHORITY: 455.227, 475.614 FS.

LAW IMPLEMENTED: 455.227 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NOS.: RULE TITLES:
62C-25.001 Introduction
62C-25.002 Definitions
62C-25.006 Permits
62C-25.0075 Enforcement Actions
62C-25.008 Forms

PURPOSE AND EFFECT: Department proposes to correct rule languages inconsistencies not imposing new regulatory costs, to incorporate required forms by reference, and to update obsolete organizational references.

SUBJECT AREA TO BE ADDRESSED: Regulation of Oil & Gas Exploration, Drilling, and Production.

RULEMAKING AUTHORITY: 377.22 FS.

LAW IMPLEMENTED: 377.04, 377.19, 377.21, 377.22, 377.22(2), 377.24, 377.34, 377.35, 377.36 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: Ed Garrett, Administrator, Oil & Gas Section, Bureau of Mining and Minerals Regulation, Florida Department of Environmental Protection, 2051 E. Paul Dirac Drive, Tallahassee, FL 32310; call: (850)488-8217 ext. 12; e-mail: ed.garrett@dep.state.fl.us. For information regarding mailings, schedules, and copies of notices, contact Marjane Monahan at (850)488-8217 or e-mail: marjane.monahan@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-3.004 Acupuncture Examination

PURPOSE AND EFFECT: The Board proposes to address a change in the name of the approved examination and amend the rule to include an effective date of implementation of this rule.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Examination.

RULEMAKING AUTHORITY: 456.017, 457.104 FS.

LAW IMPLEMENTED: 456.017, 457.104 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-25.004 Endorsements

PURPOSE AND EFFECT: The Board proposes this rule amendment to add the Board's website where forms may be obtained, delete unnecessary language and update courses.

SUBJECT AREA TO BE ADDRESSED: Endorsements.

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 480.041(4)(c) 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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.101	Prescription Area Accessible to Inspection

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the performance of pharmacy inspections.

SUBJECT AREA TO BE ADDRESSED: Prescription Area Accessible to Inspection.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.017, 465.022 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: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.004	Policy
66B-1.005	Funds Allocation
66B-1.008	Project Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency within the rule and Chapter 374, F.S., and define terms for land acquisition eligibility, clarify public navigation eligibility, add marine fire-fighting vessel eligibility, clarify accounting for fees, and determine environmental restoration parameters.

The effect of the rule development is to implement changes in the administration of the District's Assistance Programs that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Policy, Funds Allocation, and Project Eligibility.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: November 15, 2011, 11:00 a.m.

PLACE: The FIND district office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.008	Project Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency within the rule and F.S. 374 and define terms for land acquisition eligibility, clarify public navigation eligibility, add marine fire-fighting vessel eligibility, clarify accounting for fees, and determine environmental restoration parameters.

The effect of the rule development is to implement changes in the administration of the District's Assistance Programs that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Policy, Funds Allocation, and Project Eligibility.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: November 15, 2011, 11:00 a.m.

PLACE: The FIND District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-58.001	Administration and General Requirements
69A-58.002	Scope: New Construction and Existing Facilities
69A-58.003	Definitions
69A-58.0031	New Construction
69A-58.004	Firesafety Inspections
69A-58.0041	Charter Schools
69A-58.005	Serious Life Safety Hazards
69A-58.006	Vacant and Abandoned Buildings
69A-58.007	Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors
69A-58.008	Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code
69A-58.0081	Means of Egress
69A-58.0082	Relocatable Buildings
69A-58.0083	Protection from Hazards
69A-58.0084	Seclusion Time Out Rooms
69A-58.009	Florida Firesafety School Evaluation System
69A-58.010	Other Applicable Codes and Standards

PURPOSE AND EFFECT: The proposed amendments will update the rules in Chapter 69A-58, F.A.C., and implement the changes made by Chapter 2011-79, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Fire safety in educational facilities.

RULEMAKING AUTHORITY: 663.01(1), (7), 1013.12(1) FS.

LAW IMPLEMENTED: 663.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS.

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

DATE AND TIME: November 22, 2011, 10:00 a.m.

PLACE: State Fire Marshall Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

DATE AND TIME: November 23, 2011, 10:00 a.m.

PLACE: Florida State Fire College, Auditorium, 11655 N.W. Gainesville Road, Ocala, 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: Charles Frank at (850)413-3747 or Charles.Frank@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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charles Frank, Bureau of Fire Prevention, Division of State Fire Marshall, 200 E. Gaines Street, Tallahassee, FL 32399-0342 (850)413-3747 or Charles.Frank@MyFloridaCFO.com. A copy of the text of the proposed rules is posted on the Department's website at www.MyFloridaCFO.com/LegalServices/ruleHearing/.

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

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.715	Visiting Application Initiation Process

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to incorporate forms into the rule that were previously located in Rule 33-601.737, F.A.C., and to clarify in Form DC6-111B what are appropriate items for visitors.

SUMMARY: The proposed rule incorporates forms that were previously located in Rule 33-601.737, F.A.C., and clarifies in Form DC6-111B what are appropriate items for visitors.