

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF REVENUE

##### Sales and Use Tax

RULE NO.:                   RULE TITLE:  
12A-1.070                   Leases and Licenses of Real  
                                  Property; Storage of Boats and  
                                  Aircraft

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.070, F.A.C. (Leases and Licenses of Real Property) is to update, consistent with current statutory provisions, the tax imposed on the rental, lease, or license to use, occupy, or enter upon any real property. When in effect, the proposed amendments will:

- Update the exclusion from the tax on the use of real property at a port authority. (Section 212.031(1)(a)8., F.S., as amended by Chapter 97-221, L.O.F.)
- Update the exclusion from the tax on real property for poles, conduits, fixtures, and similar improvements located on streets or rights-of-ways occupied by a utility or provider of communications services. (Section 212.031(1)(a)5., F.S., as amended by Section 1, Chapter 99-363, L.O.F., Section 53, Chapter 2000-260, L.O.F., and Section 27, Chapter 2001-140, L.O.F.)
- Remove provisions stating that for jetways and baggage conveyors to be deemed real property, the land upon which they are attached must be owned by the owner of the jetways and baggage conveyors. This provision was rendered obsolete when the term “real property” was defined to include land and improvements and fixtures. (Section 212.06(14), F.S., as created by Section 5, Chapter 98-141, L.O.F.)
- Update the exclusion from tax on real property for persons providing food and drink retail concessionaire services expanded to include publicly-owned facilities, and update the definition of the term “retail concessionaire” for purposes of the rule. (Section 212.031(1)(a)10., F.S., as amended by Section 1, Chapter 99-270, L.O.F.)
- Add the exclusion from tax on the lease of real property for property used or occupied predominantly for space flight business purposes. (Section 212.031(1)(a)12., as created by Chapter 2000-183, L.O.F.)
- Add the exemption for real property rented, leased, or licensed by a postsecondary educational institute to a person operating a bookstore on the property. (Section 212.08(7)(eee), F.S., as created by Chapter 2007-53, L.O.F.)
- Add the exclusion from tax on the lease of real property to a person providing telecommunications, data systems management, or Internet services at a convention hall, civic

hall, or meeting space at public lodgings. (Section 212.031(1)(a)13., F.S., as created by Section 5, Chapter 2010-147, L.O.F.)

- Remove obsolete provisions regarding the taxability of the rental of premises within an airport by a person providing retail concessionaire services effective prior to July 1, 1987. (Section 10, Chapter 87-101, L.O.F.)
- Update provisions regarding the exclusion from tax on the lease of real property by a qualified production company that holds a Certificate of Exemption for Entertainment Industry Qualified Production Company issued by the Department, as provided in Rule 12A-1.085, F.A.C. Changes are made to remove the obsolete suggested certificate of exemption and to remove the unnecessary recitation of statutory provisions. (Section 212.031(1)(a)9., F.S., as amended by Section 2, Chapter 2000-182, L.O.F.)
- Remove obsolete reference to definitions that are no longer included in Rule 12A-1.044, F.A.C.
- Remove the unnecessary restatement of the statutory sales tax rate.
- Remove provisions regarding the storage of aircraft or boats redundant of Rule 12A-1.073, F.A.C., and remove “Storage of Boats and Aircraft” from the rule title to reflect this change.
- Include provisions to clarify the exemption from the tax on the lease of real property for payments for intrinsically valuable personal property. (Section 212.031(1)(c), F.S., as amended by Section 2, Chapter 95-391, L.O.F.)
- Update provisions providing that privilege, franchise, or concession fees paid to an airport are not payments for a lease or license for the use of real property. (Section 212.02(10)(j), F.S., as amended by Section 1, Chapter 95-391, L.O.F.)
- Update examples on the taxability of utility charges paid by a tenant to the lessor for the use of real property.
- Include provisions regarding when tax collected on the rental, lease, or license for the use of specified public facilities to hold an event of not more than seven days is due to the Department. (Section 212.031(3), F.S., as amended by Section 1, Chapter 2000-345, L.O.F.)
- Provide that the lessee who records a cancellation or termination fee as rental income, and who does not pay the tax to the lessor, is required to remit the tax directly to the Department.
- Provide when tax is due on the cost price of real property improvements completed or funded by a tenant, as provided in Department of Revenue v. Seminole Clubs, Inc., 745 So.2d 473 (Fla. 5th DCA 1999) and Department of Revenue v. Ruehl No. 925, LLC, 76 So.3d 389 (Fla. 1st DCA 2011).
- Include the exemption for the rental, license, or lease of real property from the turnpike enterprise as provided in Section 338.234, F.S. (Amended by Section 52, Chapter 2007-196, L.O.F.)

- Provide that, consistent with Section 212.031(2)(b), F.S., the amount of tax due on consideration paid for the use of real property is not decreased by a progression of transactions.
- Provide that the calculation of the pro-rata portion of premises leased or rented by for-profit entities that provide a residential facility for the aged uses a proration method based on square footage. (Section 212.031(1)(b), F.S., as amended by Section 3, Chapter 98-140, L.O.F.)
- Provide that the calculation of the pro-rata portion of leased or rented hotel premises providing dwelling accommodations is prorated based on square footage. Department of Revenue v. Vanjaria Enterprises, Inc., 675 So. 2d 252 (Fla. 5th DCA 1996), provides that the Department would be required to promulgate a rule to require a proration method based on square footage.
- Consolidate provisions regarding advertising displays into a single subsection.
- Remove provisions regarding bailment agreements that are not the rental, lease, or license to use real property.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the development of updated procedures regarding the tax imposed on the rental, lease, or license to use, occupy, or enter upon any real property.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(10)(g), (h), (i), (j), (12), (13), 212.03(6), 212.031, 212.06(1)(b), (2)(j), (14), 338.234(2) FS.

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

DATE AND TIME: June 6, 2012, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida. The public can also participate in this rule development workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules).

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: Tammy Miller at (850)617-8347. 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: French

Brown, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6309

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: [myflorida.com/dor/rules](http://myflorida.com/dor/rules).

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.717  
 RULE TITLE: Visiting Denial

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to prevent inadvertent mistakes from resulting in a denial of visiting privileges and to clarify the duty of the warden and authority of the Secretary over approval and denial of visiting privileges.

SUBJECT AREA TO BE ADDRESSED: Visiting.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.717 Visiting – Denial.

(1) through (5)(b) No change.

(c)1. through 3. No change.

4. Current community supervision status or termination from community supervision in any jurisdiction within the past one year.

5. No change.

(d) through (e) No change.

(f) Either the inmate or prospective visitor gave false or misleading information to obtain visiting privileges within the past six months, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error; ~~Discovery~~ of falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to ~~Rule paragraph 33-601.731(9)(e), F.A.C.~~

(g) through (l) No change.

(6) No change.

(7) It is the warden's duty to supervise and enforce the rules relating to the approval or denial of visiting privileges.

(8) The Secretary or designee, who for purposes of this rule shall be the Assistant Secretary of Institutions, has the authority to review and modify the approval or denial of visiting privileges where it has been determined to further the inmate’s rehabilitation, to ensure consistency with the department’s rules, to enhance public safety, or to ensure the security of an institution.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                   RULE TITLE:  
40C-1.1101                Amendments to and Releases of  
                                          Conservation Easements

PURPOSE AND EFFECT: The St. Johns River Water Management District (District) proposes to develop a rule amendment that would allow the District to release or amend certain conservation easements that it could not release or amend under the current rule.

SUBJECT AREA TO BE ADDRESSED: Conservation easement releases.

Note: Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.088, 373.113, FS.

LAW IMPLEMENTED: 373.088, 373.089, 373.096, 373.139(2) 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: June 4, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.1101 Amendments to and Releases of Conservation Easements.

(1) This section establishes the terms and conditions under which the District shall agree to amend or release all or part of a conservation easement conveyed to it, pursuant to Section 704.06, F.S., solely for mitigation or in compliance with other regulatory requirements of the District or another

governmental entity. It does not apply to conservation easements that were acquired by the District partly through purchase and partly through a regulatory program. The District’s decision to release or amend a conservation easement is a proprietary decision and does not result in any waiver of regulatory requirements. Property owners shall be responsible for obtaining all necessary permits for their construction activities, including any dredging or filling of wetlands. A request for the release or amendment of a conservation easement shall include a copy of the recorded conservation easement; a copy of any conservation easement over other property offered in exchange for the requested release or amendment; and a map showing the location of the recorded conservation easement and any conservation easement offered in exchange. For the District to agree to release or amend a conservation easement, the request for release or amendment shall satisfy the conditions of any one of the following seven ~~six~~ categories and the general condition in paragraph 40C-1.1101(1)(~~h~~)(g), F.A.C.:

(a) through (f) No change.

(g) Other Requests. For the purpose of this paragraph, “other requests” are requests for release or amendment of conservation easements that do not involve public projects as defined in paragraph 40C-1.1101(1)(c), F.A.C., or requests for release or amendment where the conservation easement that is the subject of the request is located on a single-family lot or within a permitted residential development. The District shall release or amend a conservation easement under this “other requests” category, under the following terms and conditions:

1. The entity making the request must provide the District with a conservation easement having substantially similar terms, over other lands within the same drainage basin, with the new conservation easement having equivalent or greater ecological and monetary value when compared to the conservation easement to be released or amended.

a. To establish ecological values, the District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement that is proposed for release or amendment, the District shall determine the reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement’s current ecological value, whichever is greater. For the conservation easement proposed in exchange for the release or amendment, the District shall determine the increase in ecological value that would be attributed to the new conservation easement.

b. To establish monetary values, the District shall obtain an appraisal for the conservation easement area to be released or amended and for the conservation easement offered in exchange for the release or amendment. The appraisal must be in accordance with subsection 40C-1.1101(3), F.A.C., below.

2. In addition to encumbering the lands needed to establish equivalent ecological value pursuant to subparagraph 1.a. of this paragraph, the conservation easement proposed in exchange for the release or amendment shall also encumber an additional contiguous acreage of both uplands and wetlands that is at least equal to the acreage of both uplands and wetlands to be released or amended and that provides ecological value at least equivalent to the current ecological value of both the uplands and wetlands to be released or amended. The District shall not accept additional contiguous acreage that must be enhanced or otherwise modified to provide equivalent ecological value to the current ecological value of the uplands and wetlands to be released or amended.

3. The release or amendment shall not be approved if it would adversely affect the ecological value of other conservation lands or interests in lands.

~~(h)(g)~~ No change.

(2) No change.

(3) Appraisals.

(a) through (c) No change.

(d) All appraisals shall be prepared by appraisers certified under Chapter 475, F.S.

1. Appraisals for Public Projects and Other Requests.

a. The appraisal assignment shall be to provide an opinion of market value of the District conservation easement over the release or amendment area and of the conservation easement offered in exchange. The market value of the conservation easement over the release or amendment area shall be based on the difference between the full fee simple valuation after the release or amendment and the value of the interests remaining with the person seeking the release before the release or amendment. The market value of the conservation easement over the area offered in exchange shall be based on the difference between the value of the full fee simple valuation before the conveyance of a conservation easement and the value of the interest remaining with the grantor of the easement after conveyance of the conservation easement.

2. Single Family Lots.

a. The appraisal assignment shall be to provide an opinion of market value of the District conservation easement over the release or amendment area. The market value of the conservation easement over the release or amendment area shall be based on the difference between the value of the single-family lot after the conservation easement is released or amended and the value of the single-family lot without the conservation easement release or amendment.

(e) All appraisals shall be prepared by an appraiser selected and retained by the District.

(f) The person requesting the release or amendment shall pay the District for the cost of any appraisal and payment for the cost of the appraisal(s) shall be made before the District proceeds with the appraisal(s).

Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History—New 1-12-10, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.015 Ambulance Transportation Services

PURPOSE AND EFFECT: The proposed amendment to Rule 59G-4.015, F.A.C., incorporates by reference the Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, June 2012. The amendment will update the current handbook which is several years old. The updated handbook will provide guidance for ambulance (emergency and non-emergency) transportation providers to file claims properly and establish the types of transportation available.

SUBJECT AREA TO BE ADDRESSED: Ambulance Transportation Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.015, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 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: Tuesday, July 10, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Arabella Reeves at the Bureau of Medicaid Services, (850)412-4206. 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 IS: Arabella Reeves, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4206, e-mail: [arabella.reeves@ahca.myflorida.com](mailto:arabella.reeves@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.015 Ambulance Transportation Services.

(1) No change.

(2) All ambulance transportation providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, June 2012 February 2006, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The Both handbooks is~~ are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting option 7 website at http://floridamedicaid-aes-inc.com. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 409.908+ FS. History--New 7-23-06, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-31.101	License Requirements
61-31.102	Examination
61-31.201	Fees
61-31.301	Delinquent License
61-31.302	Inactive, Active Status
61-31.401	License Renewal
61-31.402	Discretionary Hardship Reinstatement of Null or Void Licenses
61-31.501	Department Approval of Education Providers
61-31.502	Obligations of Education Providers
61-31.504	Continuing Education Requirements for Biennial Renewal
61-31.505	Approval of Courses
61-31.602	Disciplinary Guidelines
61-31.603	Notice of Noncompliance
61-31.604	Citations
61-31.605	Mediation
61-31.701	Minimum Standards and Practices for Mol Assessors
61-31.702	Minimum Standards and Practices for Mold Remediators

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the new regulations for Mold-Relates Services, enacted in Chapter 468, Part XVI, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensing and regulation of mold-related services in Florida under Section 468.84, F.S.

RULEMAKING AUTHORITY: 455.02(2), 455.2035, 455.213, 455.2177(4), 455.2178(6), 455.2179(4), 455.219, 455.2235(1), 455.224(2), 455.225(3)(a), 455.2273(1), 455.271, 468.8412(1), 468.8413(5), 468.8415(2), 468.8416(2), 468.8417(3), 468.842(1)(j), 468.8424 FS.

LAW IMPLEMENTED: 120.695(1), 455.02(2), 455.203(1), 455.2123, 455.2124, 455.213, 455.217, 455.2177, 455.2178, 455.2179, 455.219, 455.2235, 455.224, 455.225, 455.227, 455.2273, 455.2281, 455.271, 468.84, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8419, 468.842, 468.8421 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, Mold-Services Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

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**

RULE NOS.:	RULE TITLES:
61-42.001	Definitions
61-42.002	Investigations and Legal Services
61-42.003	Unsanctioned Amateur Events
61-42.004	Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to articulate and detail the legal and investigative services provided to the Florida State Boxing Commission by the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is the legal and investigative services provided to the Florida State Boxing Commission by the Department.

RULEMAKING AUTHORITY: 548.003(8) FS.

LAW IMPLEMENTED: 548.003(8) 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: R.

Kathleen Brown-Blake, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244  
 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 Professional Engineers**

RULE NO.: 61G15-22.006      RULE TITLE: Demonstrating Compliance  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to update and clarify procedures for demonstrating compliance by licensees.  
 SUBJECT AREA TO BE ADDRESSED: Demonstrating compliance.

RULEMAKING AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS.  
 LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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 Professional Engineers**

RULE NO.: 61G15-23.003      RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to update and clarify procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

SUBJECT AREA TO BE ADDRESSED: Procedures for signing and sealing electronically transmitted plans specifications, reports or other documents.

RULEMAKING AUTHORITY: 471.025(1), 668.006 FS.  
 LAW IMPLEMENTED: 471.025 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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 Professional Engineers**

RULE NO.: 61G15-29.001      RULE TITLE: Certification Definition, Procedures, Prohibitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for certification procedures and prohibitions.

SUBJECT AREA TO BE ADDRESSED: Modification of language for certification procedures and prohibitions.

RULEMAKING AUTHORITY: 471.008 FS.  
 LAW IMPLEMENTED: 471.025(3), 471.033(1)(j) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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 Building Commission**

RULE NO.: 61G20-1.001      RULE TITLE: Florida Building Code Adopted

PURPOSE AND EFFECT: To address certain inconsistencies in the 2010 Florida Building Code including the applications of the 30% of assessed value language pertaining to renovations and the affirmative obligation for energy efficiency requirements for change outs, whether they be windows, AC units, swimming pool pumps or other particular items. And to adopt updated standards for visually graded Southern Pine and Mixed Southern Pine.

SUBJECT AREA TO BE ADDRESSED: Florida Building Code modifications authorized by Section 553.73(8), F.S.

RULEMAKING AUTHORITY: 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

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

DATE AND TIME: June 12, 2012, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda.

PLACE: Daytona Hilton, 100 North Atlantic Avenue, Daytona Beach, FL 32118. An agenda and other information may be obtained at: [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

RULE NOS.:                      RULE TITLES:  
61G20-4.001                      Procedures

61G20-4.002                      Florida Accessibility Code for Building Construction

PURPOSE AND EFFECT: To revise forms and procedures for applying for a waiver or modification of Florida-specific accessibility standards contained in the Florida Accessibility Code for Building Construction. To consider the standards relating to pool lifts and architectural barrier removal.

SUBJECT AREA TO BE ADDRESSED: Forms and procedures for application for waiver or modification.

RULEMAKING AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

DATE AND TIME: June 12, 2012, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:                      RULE TITLE:  
64B8-9.007                      Standards of Practice

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the requirements with regard to the “pause” rule.

SUBJECT AREA TO BE ADDRESSED: The Board proposes the development of a rule amendment to clarify the requirements with regard to the “pause” rule.

RULEMAKING AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(v) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009  
 RULE TITLE: Standard of Care for Office Surgery  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the length of time for which physicians need to maintain surgical logs.  
 SUBJECT AREA TO BE ADDRESSED: The length of time for which physicians need to maintain surgical logs.  
 RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.  
 LAW IMPLEMENTED: 458.331(1)(v), 458.351 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002  
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents  
 PURPOSE AND EFFECT: The Board is adding the drug, Natacyn, to the formulary.  
 SUBJECT AREA TO BE ADDRESSED: Addition of a topical ocular pharmaceutical agent.  
 RULEMAKING AUTHORITY: 463.005, 463.0055(2)(a) FS.  
 LAW IMPLEMENTED: 463.0055 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 Optometry/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.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2013 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).



RULEMAKING AUTHORITY: 420.507, 420.508 FS.  
 LAW IMPLEMENTED: 420.509 FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: June 7, 2012, 2:30 p.m. – 4:30 p.m.  
 PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone.  
 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: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants

67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

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

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2013 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2012 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.  
 LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: June 7, 2012, 2:30 p.m. – 4:30 p.m.  
 PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone.  
 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: Jean Salmonsens at (850)488-4197. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-404.108                      RULE TITLE: Discipline and Confinement of Mentally Disordered Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to refine the input to be provided before disciplinary action is taken to include a clinical assessment from a psychologist or psychiatrist. The proposed changes specify when security restraints are applied. The composition and duties of the risk assessment team are amended to include a psychologist or psychiatrist and to update timeframes.

SUMMARY: The proposed rulemaking clarifies the input to be provided before disciplinary action, requires a clinical assessment from a psychologist or psychiatrist, and amends the composition and timeframes of the risk assessment team.

#### 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: Upon review of the proposed changes to these rules, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as 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: 944.09, 945.49 FS.

LAW IMPLEMENTED: 944.09, 945.49 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

33-404.108 Discipline and Confinement of Mentally Disordered Inmates.

Inmates with a diagnosed mental illness shall be subject to the provisions of Rules 33-601.301-314, F.A.C., Inmate Discipline, except as noted in the following sections.

(1) Mental health staff are authorized to provide written or verbal input to the disciplinary team before disciplinary action is taken against any inmate who has a diagnosed mental illness, ~~or who is impaired due to~~ mental retardation ~~or who is otherwise cognitively impaired~~. The input shall be provided by either a psychologist or psychiatrist and of mental health staff shall be limited to description of the role, if any, that mental impairment may have played in the behavior in question. Written input by either a psychologist or psychiatrist shall be provided for inmates who are patients in isolation management, transitional care, crisis stabilization care, or in a corrections mental health treatment facility. The input shall be limited to whether the patient's mental illness, mental retardation or cognitive impairment may have contributed to the alleged disciplinary offense and, if so, a recommendation for disposition or sanction options or alternative actions.

(2) ~~Inmates who are patients in isolation management, transitional care, crisis stabilization care, or acute mental health hospital care shall not be subjected to administrative confinement, disciplinary confinement, or close management unless the inmate has been assessed by clinical staff as mentally competent and responsible and accountable for his or her behavior.~~ The results of the clinical assessment shall be communicated to classification and documented in the health record by a ~~psychologist or psychiatrist mental health staff professional~~. If the inmate is found to be competent and responsible, the disciplinary team shall determine the appropriate discipline, including confinement, in accordance with Rules 33-601.301-314, F.A.C. Any such confinement shall be performed within the inpatient setting, in accord with unit operating procedures and the individualized services plan. Documentation of all such incidents shall also be considered as part of the ongoing assessment of risk for violence by the risk assessment team as described in subsection (4) of this rule.

(3) When inmates are admitted to; transitional care, crisis stabilization care, or a corrections mental health treatment facility ~~acute hospital care~~, any prior confinement; or close management status shall be suspended until the inmate is discharged from the specialized care setting. Security restraints shall be applied when inmates admitted to transitional care,