

eligible to participate in the SR program, an early learning coalition shall complete and execute the Statewide School Readiness Provider Contract which has been executed by the provider.

(5) An early learning coalition which determines a provider is eligible to offer the SR program shall forward a copy of the fully executed Statewide School Readiness Provider Contract to the SR provider to inform the provider of its eligibility to offer the SR program. A coalition shall keep the original fully executed Statewide School Readiness Provider Contract in the coalition's records on the SR provider.

(6) Neither a coalition nor an SR provider may omit, supplement, or amend the terms and conditions of the Statewide School Readiness Provider Contract. Neither a coalition nor an SR provider may include any attachments, addenda, or exhibits to the Statewide School Readiness Provider Contract except Exhibit 1 (Provider Location List) and Exhibit 2 (Required Documentation) which are incorporated as part of Form OEL-SR 20.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)9. FS. History--New _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.001
 RULE TITLE: Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.005
 RULE TITLE: Maximum Account Balance Limit

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-6.001
 RULE TITLE: Fee Schedule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.001
 RULE TITLE: Application of Rule Chapter; Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF CITRUS

RULE NOS.: 20-9.001, 20-9.008
 RULE TITLES: Fresh Form, Utilization of Certificate of Deposit in Lieu of Bond

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-9.001(2) Payment guaranteed by bond, deposit, or letter of credit: To guarantee payment of assessments, handlers shall post a surety bond, cash bond, certificate of deposit or letter of credit, as provided in either Section 20-9.005 or 20-9.008 ~~or _____~~, F.A.C.

20-9.008(3) The certificate of deposit shall be issued in the name of the licensed handler and accompanied by the State of Florida, Department of Citrus. The handler shall present a certificate of deposit and an executed assignment of such handler's interest in the certificate in favor of the State of Florida, Department of Citrus on the Assignment form CIT/REV/07 REV. 7-11-07, incorporated by reference in 20-100.004(38) and a letter from the issuing bank acknowledging the assignment of the certificate of deposit to the State of Florida, Department of Citrus a form to be provided by the Department of Citrus.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-10.001 Charitable and Unemployment Relief Shipments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-10.001(2) All persons who desire to make such sales or shipments shall first secure a Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes (permit), incorporated by reference in subsection 20-100.004(9), F.A.C., special permit for each such shipment by submitting an Application for Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes (application), incorporated by reference in subsection 20-100.004(8), F.A.C application on forms to be furnished by the Department of Citrus. Each applicant for such permit shall guarantee payment of assessments as provided in Department of Citrus Rule 20-9, or pay these assessments at the time such permit is issued; however, shipments for charitable purposes are exempt from all advertising assessments by Section 601.501, Florida Statutes. In addition, the permit applicant must assume the responsibility of having the receiver of each shipment under such a permit mail to the Department of Citrus, within ten days of receipt of shipment, a Statement Relating to Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purpose, incorporated by reference in 20-100.004(10),

F.A.C. an affidavit attesting that the fruit was received and used exclusively for the purposes stated in the permit application.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-13.003 Fruit Classification and Standards Committee – Membership

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-13.003 Fruit Classification and Standards Committee – Membership.

There is hereby created and established an advisory committee of the Florida Citrus Commission designated as the "Fruit Classification and Standards Committee," consisting of nine members appointed ~~annually~~ by the chair, subject to commission concurrence, Commission as follows:

Rulemaking Specific Authority 601.10(1),(7), 601.11, 601.9910(3) FS. Law Implemented 601.04(3)(b) FS. History—Formerly 105-1.34(2), Revised 1-1-75, Formerly 20-13.03, Amended _____.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-50.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-50.002 Seedless Grapefruit for Fresh Use Maturity Standards
20-50.003 When Seedless Grapefruit Shall be Deemed Mature
20-50.004 Seeded Grapefruit for Fresh Use Maturity Standards
20-50.005 When Seeded Grapefruit Shall be Deemed Mature

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-50.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-50.001~~2~~, 20-50.002~~3~~, 20-50.003~~4~~ and 20-50.004~~5~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-51.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-51.002 Minimum Ratios of Solids to Acid

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-51.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-51.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. As such, although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-52.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38 No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-52.002 Minimum Juice Content
20-52.003 Determination of Unusual or
 Abnormal Conditions
20-52.004 Establishment of Different Sizes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-52.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-52.001~~2~~, 20-52.002~~3~~ and 20-52.003~~4~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. As such, although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-52.003~~4~~ (1) The Department may establish by rule ~~regulation~~ different sizes, including changes in diameter ranges for existing sizes, for grapefruit based on the number of grapefruit as packed commercially.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-53.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38 No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-53.002 Oranges for Fresh Use Maturity
 Standards
20-53.003 Maturation of Oranges Earlier Than
 Normal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-53.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-53.001~~2~~ and 20-53.002~~3~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-53.001~~2~~ (1)(d) The total soluble solids of the juice of the sample is not less than 9 percent;

20-53.001~~2~~ (2)(c) With yellow color predominating on not less than 50 percent of the fruit’s surface in the aggregate (the Parson Brown variety need show only such a break in color on not less than 25 percent of the fruit’s surface in the aggregate);

20-53.002~~3~~ (1) If in any particular shipping season it shall appear to the Department of Citrus, after a public hearing held not earlier than October 5 and called and held to determine such question, that oranges are then maturing earlier than normally as provided in 20-53~~2~~ F.A.C., the Department of Citrus may by order, or rule, ~~or regulation~~ to be issued or promulgated and to become effective not later than October 10, declare and provide that during that period of time beginning with August 1 and ending with October 16, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample is not less than 9 percent;

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-54.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-54.002 Minimum Ratios of Solids to Acid

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-54.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-54.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-55.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-55.002 Tangerine Maturity Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-55.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-55.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the

rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF CITRUS

RULE NO.: 20-56.001
 RULE TITLE: Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: 20-56.002
 RULE TITLE: Minimum Ratios of Solids to Acid

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-56.001 was withdrawn, requiring the renumbering of the remaining rule as follows: ~~20-56.001~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-56.001~~2~~ (1) (In the last entry of the table there is a change)

10.5 percent	10.56 percent	7.5 to 1
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20-56.001~~2~~ (2) ~~After~~ ~~From~~ November 15th of each year to July 31 of the following year, both dates inclusive, to determine the minimum ratio of the total soluble solids of the juice of tangerines to the anhydrous citric acid, the following table shall be used:

(an entry from the table was omitted)

9.60 percent	9.70 percent	8.15 to 1
9.70 percent	9.80 percent	8.05 to 1
9.80 percent	9.90 percent	7.95 to 1

DEPARTMENT OF CITRUS

RULE NO.: 20-82.001
 RULE TITLE: Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: 20-108.004
 RULE TITLE: Determination of Minimum Bond Required

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC review:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The bond schedule currently in statute has been removed by the 2012 Legislature. The industry will continue using the same bond schedule as the one relied upon for over 60 years in statute. Although the rule is new, the schedule is not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.006
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

The changes are due to concerns by the Joint Administrative Committee in their letters dated May 7, 2012 and July 3, 2012 and due to language being inadvertently omitted. The changes are as follows:

1. Subsection (3)(a) shall now read as: Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or board. (Sections 456.072(1)(h) or 464.018(1)(a), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$10,000 fine and revocation</u>

2. Subsection (3)(c)1 shall now read as: Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (Sections 456.072(1)(c), 464.018(1)(c), misdemeanors in violation of Section 464.018(1)(d)3., or (d)7., or 464.018(1)(e), for crimes set forth in Sections 435.04(2)(a) through (t), (v) through (dd) or (ff), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>Revocation</u>

3. Subsection (3)(c)2. shall now read as: Being found guilty, regardless of adjudication, of a violation of Chapter 776, 784, 812, 827, 415 or 39, F.S. (Sections 464.018(1)(d)1., (d)2., (d)5., (d)6., (d)7., or (d)8., or a misdemeanor violation of Chapter 409 or 817, F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>Revocation</u>

4. Subparagraph (3)(c)3. shall now read as: Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a felony violation of Chapter 409, 817 or 893, or of any crime related to health care fraud, F.S. (Sections 456.072(1)(ll), 464.018(1)(d)3., or 464.018(1)(e) for crimes set forth in Section 435.04(2)(u) or (ee), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$10,000 fine and probation</u>	<u>\$10,000 fine and revocation</u>

5. Paragraph (3)(d) shall now read as: Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so; Intentionally submitting a claim, statement or bill that has been

upcoded as defined in Section 627.736, F.S., for a PIP claim or for services that were not rendered. (Section 456.072(1)(l), (ee) or (ff) or 464.018(1)(f), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, continuing education or probation</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension</u>	<u>\$10,000 and revocation</u>

6. Paragraph (3)(l) shall now read as: Making misleading, deceptive or fraudulent representations in or related to the practice of the licensee's profession or making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(a) or (m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand and \$250 fine</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension</u>	<u>\$10,000 fine and revocation</u>

7. Paragraph (3)(u) shall now read as: Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$100 fine and continuing education</u>	<u>\$250 fine and probation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$500 fine and suspension</u>

8. Paragraph (3)(v) shall now read as: Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1). (Section 456.072(1)(v), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, suspension and IPN evaluation</u>	<u>\$500 fine, suspension and IPN evaluation, or revocation</u>

9. Paragraph (3)(aa) shall now read as: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud (Sections 456.072(1)(ii) and (ll), F.S.) \$10,000 fine and revocation.

10. Paragraph (3)(cc) shall now read as: Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare

program, unless eligibility to participate in the program from which the practitioner was terminated has been restored (Section 456.072(1)(kk), F.S.).

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 Reprimand	Revocation

11. Paragraph (3)(dd) shall now read as: Violating any of the provisions of Section 790.338 (Section 456.072(1)(nn), F.S.) Letter of Concern

(4) In licensure and disciplinary matters involving impairment, the applicant or licensee may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.
2. Previous disciplinary action against the licensee in this or any other jurisdiction.
3. The length of time the licensee has practiced.
4. The actual damage, physical or otherwise, caused by the violation.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation.
7. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
8. Cost of treatment.
9. Financial hardship.
10. Cost of disciplinary proceedings.

(6) In instances when a licensee or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-10.014
 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100
 RULE TITLE: Pharmacy Permits – Applications and Permitting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. Changes are being made to the various forms to address multiple comments from JAPC, including technical and substantive changes. Changes have also been made to the forms as a result of legislative changes to Section 465.0635, F.S. The changes are as follows:

1. The revision date of Form DH-MQA 1214, “Community Pharmacy Permit and Application and Information” incorporated by reference in subsection (2) will be updated to have an effective date of August 2012.

2. (2)(c) shall now read as follows:

(c) The policy and procedure manual for Community Pharmacies shall contain the procedures implemented to minimize the dispensing of controlled substances based on fraudulent representations. The policy and procedural manual shall provide the following:

3. There will be no changes to (2)(c)1. through 4., as published in the Notice of Change for the rule on March 2, 2012 in Vol. 38, No. 9 of the F.A.W.

4. The revision date of Form DH-MQA 1215, “Institutional Permit Application and Information” incorporated by reference in subsection (3) will be updated to have an effective date of August 2012.

5. The revision date of Form DH-MQA 1218, “Nuclear Pharmacy Permit Application and Information” incorporated by reference in subsection (4) will be updated to have an effective date of August 2012.

6. The revision date of Form DH-MQA 1220, “Special Pharmacy Permit Application and Information” listed in subsection (5) and subsection (6) will be updated to have an effective date of August 2012.

7. The revision date of Form DH-MQA 1217, “Non-Resident Pharmacy Permit Application and Information” incorporated by reference in subsection (7) will be updated to have an effective date of August 2012.

8. The title of the form listed in paragraph (3)(b) and (5)(c) will be changed to Form DH-MQA 1184 “Change of Consultant Pharmacist of Record,” effective December 2010.

9. The language “which is incorporated by reference herein” will be removed from paragraphs (4)(b), (5)(b), (5)(c), (6), and (6)(b).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-20.010	Transportation
65E-20.011	Receipt of Commitment Orders and Required Documentation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 33, August 17, 2012 issue of the Florida Administrative Weekly.

The Summary of Statement of Estimated Regulatory Costs should be corrected to read:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule amendment 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 nature of the rule and a preliminary analysis conducted to determine whether a SERC was required. The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

In the proposed amendment to Rule 65E-20.011(1)(a), the reference to the year following the citation to Section 916.107(1)(a), F.S. is deleted. The subsection should read:

(a) If complete, the date of receipt shall be recorded. The statutory 15 day period set forth in Section 916.107(1)(a), F.S. (1985), will commence on this day.

In the proposed amendment to paragraph 65E-20.011(1)(a), the authority should read:

Rulemaking Authority 916.1093(2) FS. Law Implemented 916.107, 916.302 FS. History--New 9-29-86, Amended 7-1-96, Formerly 10E-20.011.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-137.001	Annual and Quarterly Reporting Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

The page numbering of the internet document on the NAIC web page and final draft of Rule 69O-137.001 do not match the numbering on the printed pages. The following corrections have been made:

(5) Adoption of revised Actuarial Guideline 38.

(a) Revised NAIC Accounting Practices and Procedures Manual Actuarial Guideline 38 which is Attachment Three appears on pages 272-285 in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf is hereby adopted and incorporated by reference and replaces the Guideline published in the Manual for annual and quarterly statements submitted to the Office on and after December 31, 2012.

(b) Sections of the draft version of the Valuation Manual, adopted by the NAIC Life Insurance and Annuities (A) Committee on August 17, 2012, referenced in Revised Actuarial Guideline 38 which is Attachment One are on pages 2-262 in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf are hereby adopted and incorporated by reference.

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-149.022	Forms Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

Forms OIR-B2-1507 and OIR-B2-1507A have been revised. A copy of the revised forms are available by contacting Tom Zutell, Office of Insurance regulation, Email Tom.Zutell@flor.com

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

NONE