

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                    RULE TITLE:  
 64B9-3.002                Qualifications for Examination

PURPOSE AND EFFECT: The Board proposes these changes to amend the qualifications for examinations.

SUBJECT AREA TO BE ADDRESSED: Qualifications for Examination.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                    RULE TITLE:  
 64B9-3.014                Graduates From Foreign or  
                                   Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The Board proposes these changes to clarify the requirements necessary.

SUBJECT AREA TO BE ADDRESSED: Graduates From Foreign or Non-NCSBN Jurisdictions.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 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.

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**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                    RULE TITLE:  
 64B9-15.005               Standards for Certified Nursing  
                                   Assistant Training Programs

PURPOSE AND EFFECT: The Board proposes this amendment to add necessary language concerning compliance.

SUBJECT AREA TO BE ADDRESSED: Standards for Certified Nursing Assistant Training Programs.

RULEMAKING AUTHORITY: 464.202, 464. 203 FS.

LAW IMPLEMENTED: 464.2085 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                    RULE TITLE:  
 64B9-15.007               Approval of New Certified Nursing  
                                   Assistant Training Programs

PURPOSE AND EFFECT: The Board proposes this amendment to delete unnecessary language and adopt and incorporate by reference licensure forms and add the Board's website where forms may be obtained.

SUBJECT AREA TO BE ADDRESSED: Approval and Renewal of New Certified Nursing Assistant Training Programs.

RULEMAKING AUTHORITY: 464.202, 464. 203 FS.

LAW IMPLEMENTED: 464.2085 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.

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**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.009      RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes this rule amendment to amend the penalties and sentencing guidelines.  
 SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.  
 RULEMAKING AUTHORITY: 464.204 FS.  
 LAW IMPLEMENTED: 456.072, 464. 204 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.001      RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment because the examination is being developed and administered by a national company and the rule must be updated to reflect this change.  
 SUBJECT AREA TO BE ADDRESSED: Examination for licensure.  
 RULEMAKING AUTHORITY: 456.017(1)(d), (5), 484.005 FS.  
 LAW IMPLEMENTED: 456.017(1)(d), (5) 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.002      RULE TITLE: Re-Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the examination application process because a national company is now administering the examination and the application process and requirements have changed. Form DH-MQA 1190, "Re-examination Application" will be updated and incorporated by reference into the rule.  
 SUBJECT AREA TO BE ADDRESSED: Re-examination application process and requirements.  
 RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.  
 LAW IMPLEMENTED: 456.017(2) 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-9.0015      RULE TITLE: Application for Examination and Licensure

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

for licensure examination; and to update and incorporate by reference form DH-MQA 1065, "Application for Licensure Examination".

SUBJECT AREA TO BE ADDRESSED: Application for examination for licensure.

RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.

LAW IMPLEMENTED: 456.017(2) 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-10.007 RULE TITLE: Minimum Equipment Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the minimum equipment maintained in each office where opticianry is practiced.

SUBJECT AREA TO BE ADDRESSED: Minimum equipment requirements.

RULEMAKING AUTHORITY: 484.005(2) FS.

LAW IMPLEMENTED: 484.002(3), 484.005(2) 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-10.012 RULE TITLE: Change of Address

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the process for notifying the Board of a change of address to comply with intention of the statute.

SUBJECT AREA TO BE ADDRESSED: Change of address.

RULEMAKING AUTHORITY: 484.005, 456.035 FS.

LAW IMPLEMENTED: 456.035 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-11.003 RULE TITLE: Active Status Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to lower the renewal fee for an active status license.

SUBJECT AREA TO BE ADDRESSED: Active status fee.

RULEMAKING AUTHORITY: 456.025, 456.036, 484.005, 484.008(1) FS.

LAW IMPLEMENTED: 484.008(1), 455.271 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.

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-15.001 RULE TITLE: Continuing Education for License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify the requirements for continuing education for license renewal and to renumber the rule accordingly.

SUBJECT AREA TO BE ADDRESSED: Continuing education for license renewal.

RULEMAKING AUTHORITY: 456.013(8), (9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(8), (9), 484.008(3) FS.

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

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**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-16.003  
 RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language to clarify the requirements for apprenticeship and training programs. The rule amendment will also provide the website where form DH-MQA 1063, "Apprenticeship Sponsor Form" can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship requirements and training programs.

RULEMAKING AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)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.

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**DEPARTMENT OF FINANCIAL SERVICES**

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

RULE NO.: 69K-1.008  
 RULE TITLE: Criteria for Review of Criminal Records

PURPOSE AND EFFECT: This rulemaking action would implement changes to Section 497.141(5)(a), Florida Statutes, regarding demonstration by license applicants who have a criminal record, that issuance of the license applied for would not create a danger to the public.

SUBJECT AREA TO BE ADDRESSED: Factors to be addressed and considered in evaluating whether a license applicant who has a criminal record, has demonstrated that issuance of the license applied for would not create a danger to the public.

RULEMAKING AUTHORITY: 497.103(5), 497.141(5)(a) FS.

LAW IMPLEMENTED: 497.141 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: February 8, 2012, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.: 69L-3.012  
 RULE TITLE: Notice of Denial

PURPOSE AND EFFECT: The proposed rule is amended to add new subsection 69L-3.012(9), F.A.C., to inform claims-handling entities of notice requirements to employees when the payment of a compensable medical benefit will be

apportioned, pursuant to Section 440.15(5), F.S. The proposed rule clarifies that claims-handling entities must provide employees with notification of decisions to apply apportionment prior to the rendering of medical service(s). The proposed rule provides that compliance with the notice requirements is achieved by mailing Form DFS-F2-DWC-12 (Notice of Denial) to the employee as specified. The proposed rule also references the notice required under subsection 69L-7.602(5), F.A.C., that claims handling entities must provide to health care providers. The proposed rule applies for dates of injury occurring on or after October 1, 2003.

**SUBJECT AREA TO BE ADDRESSED:** Notice requirements to employees by claims-handling entities where apportionment is applied in the payment of a medical benefit.

**RULEMAKING AUTHORITY:** 440.185(5), 440.20(3), 440.591 FS.

**LAW IMPLEMENTED:** 440.12(2), 440.14, 440.15(5), 440.192(8), 440.20(2), (4), (9), (15)(f), 440.207(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:** Thursday, February 23, 2012, 9:00 a.m. – 10:00 a.m.

**PLACE:** Room 102, Hartman Building, 2012 Capital Circle Southeast, 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 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@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:** Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.com  
**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 Worker's Compensation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to amend the rule to adopt by reference the 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals, replacing the 2006 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals in the existing rule. The 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals will incorporate a fee schedule for certain hospital outpatient services within defined geographic areas in Florida utilizing Current Procedural Terminology® (CPT) line level charge data. The methodology for the incorporated fee schedule establishes criteria to evaluate 18 months of hospital outpatient bill data. The 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals also makes technical changes to include a new manual format, an expanded table of contents and chapters by topic.

**SUBJECT AREA TO BE ADDRESSED:** Reimbursements to hospitals for outpatient care provided to workers' compensation patients pursuant to the Florida Workers' Compensation Reimbursement Manual for Hospitals.

**RULEMAKING AUTHORITY:** 440.13(12), (14), 440.591 F.S.

**LAW IMPLEMENTED:** 440.13(7), (12), (14) 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:** Thursday, February 16, 2012, 9:00 a.m. – 11:00 a.m.

**PLACE:** Room 102, Hartman Building, 2012 Capital Circle Southeast, 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 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@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:** Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.com  
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.: 69L-7.602  
 RULE TITLE: Florida Workers’ Compensation Medical Services Billing, Filing and Reporting Rule

**PURPOSE AND EFFECT:** The proposed rule (which applies to dates of injury occurring on or after October 1, 2003) clarifies that an insurer must provide health care providers with prior notification of a decision to apply apportionment in the payment of reimbursement for medical services. The amendment provides that an insurer shall, at the time of authorization or following authorization but prior to the rendering of medical service(s), provide each health care provider with written or electronic notification of its decision to apply apportionment in the payment of reimbursement for medical service(s). Subsection (7) of the rule is deleted, as the penalty provisions are transferred to Rule Chapter 69L-24, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Notice Requirements to Health Care Providers by Insurers when Apportioning Payment of Reimbursement for Compensable Medical Service(s).

**RULEMAKING AUTHORITY:** 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS.

**LAW IMPLEMENTED:** 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), (5), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 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:** Thursday, February 23, 2012, 10:00 a.m. – 11:00 a.m.

**PLACE:** Room 102, Hartman Building, 2012 Capital Circle Southeast, 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 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@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).

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**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.037  
 RULE TITLE: State Touring Program

**PURPOSE AND EFFECT:** The State Touring Program consists of two components: The Artist Roster and Presenter Fee Support. The purpose of this amendment is to establish in rule the most recent guidelines for each component. The Artist Roster Guidelines update eligibility criteria, the application form, panel review and evaluation criteria, and amend materials incorporated by reference. The Presenter Fee Support Guidelines update eligibility criteria, match requirements, the application form, and reporting requirements. The administrative forms used for each component are incorporated by reference.

**SUMMARY:** The proposed rule incorporates the latest State Touring Program guidelines and administrative forms. Amendments to the guidelines include eligibility criteria, panel review and evaluation criteria, match requirements, the application form, and reporting requirements.

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

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

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

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

**RULEMAKING AUTHORITY:** 265.286(1), 265.286(5)(c), 265.286(11) FS.

**LAW IMPLEMENTED:** 265.286 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Monday, February 13, 2012, 9:30 a.m.