

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0318	RULE TITLE: Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies
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PURPOSE AND EFFECT: The purpose of this rule development is to review the Florida Postsecondary Readiness Competencies which will serve as the basis for postsecondary preparatory instruction curriculum in public high schools. The effect is a rule that will add the Florida Postsecondary Readiness Competencies as the basis for the postsecondary preparatory instruction curriculum.

SUBJECT AREA TO BE ADDRESSED: Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies.

RULEMAKING AUTHORITY: 1008.30(3) FS.

LAW IMPLEMENTED: 1008.30(3) FS.

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

DATE AND TIME: February 13, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Department of Education, Turlington Building, 325 West Gaines St., Suite 1706, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Alexander, Interim Vice Chancellor for Academic and Student Affairs, Division of Florida Colleges, 325 West Gaines St., Room 1532G, Tallahassee, FL 32399, (850)245-9523

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001	RULE TITLE: Percentage of Gross Pilotage Assessed
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PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rate the Department assesses the gross amounts of pilotage earned.

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage assessed.

RULEMAKING AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-16.002	RULE TITLE: Continuing Education Requirements for Active Status License Renewal
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PURPOSE AND EFFECT: Upon reflection and review of the current continuing education requirements the Board has determined that certain modifications are required to more appropriately address those areas of critical concern which have a direct impact upon the consumers of veterinary services. Consequently, the number of hours required for the topic of dispensing legend drugs has been reduced while the number of hours required for the topic of laws and rules has been expanded. The Board has also proposed that a limited number of credit hours in the topic area of laws and rules may be obtained once every two years by attending one full day of a Board of Veterinary Medicine meeting.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 474.206, 474.211, 474.212 FS.

LAW IMPLEMENTED: 474.211 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION		61K1-1.012	Participant; License; Conduct and Other Requirements
State Boxing Commission		61K1-1.013	Judge; License and Duties
RULE NOS.:	RULE TITLES:	61K1-1.016	Announcer; License and Duties
61K1-1.001	Purpose, Applicability and Scope of Rules	61K1-1.017	Timekeeper or Knockdown Timekeeper; License and Duties
61K1-1.002	Definitions	61K1-1.018	Second; License and Duties
61K1-1.0023	Commission, Commission Employees, Duties and Responsibilities	61K1-1.019	Referee; License and Duties
		61K1-1.023	Trainer; License and Conduct
61K1-1.0025	Executive Director, Duties and Responsibilities	61K1-1.024	Booking Agent, Representative of Booking Agent; License
		61K1-1.030	Rounds
61K1-1.0027	District Coordinators, Duties and Responsibilities	61K1-1.035	Scoring System; Scoring, Criteria; Knockdowns, Fouls; Determination of Win or Draw; Decision Final, Exceptions
61K1-1.0028	Chief Inspector, Inspectors, Duties and Responsibilities		
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee	61K1-1.037	Post-Match Physical Requirements; Suspensions
61K1-1.0031	Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing, Kickboxing and Mixed Martial Arts	61K1-1.040	Post-Match Reports Required to be Filed; Penalty for Late Filing
		61K1-1.042	Closed Circuit Telecasts; Requirements; Penalty for Late Filing
61K1-1.0035	Insurance	61K1-1.044	Unprofessional or Unethical Conduct
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee	61K1-1.045	Citations
		61K1-1.046	Notice of Noncompliance
61K1-1.0043	Drugs and Foreign Substances; Penalties	61K1-1.049	Records
		61K1-1.050	Method of Payment
61K1-1.005	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct	61K1-1.070	Administrative Complaints
		61K1-1.080	Forms
61K1-1.0055	Concessionaire; License; Bond	PURPOSE AND EFFECT: The commission proposes to substantially rewrite the rules presently in Chapter 61K1-1, F.A.C. The commission proposes to have Chapter 61K1-1, F.A.C., set forth general requirements applicable to amateur and professional boxing, kickboxing, and mixed martial arts. A second chapter is proposed that will address amateurs only and a third chapter will address professionals only.	
61K1-1.006	Arena Equipment; Ring Requirements; Fenced Area Requirements for Mixed Martial Arts; Other Fight Mediums; Floor Plan and Apron Seating; Emergency Medical and Other Equipment and Services	SUBJECT AREA TO BE ADDRESSED: The Commission proposes to promulgate rules which regulate boxing, kicking, and mixed martial arts for both amateurs and professionals. This is intended to make it easier for licensees to determine their duties and responsibilities.	
61K1-1.007	Participants' Apparel and Appearance	RULEMAKING AUTHORITY: 548.003 FS.	
61K1-1.008	Bandages and Handwraps	LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.007, 548.008, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.043, 548.046, 548.057, 548.066, 548.071, 548.075 FS.	
61K1-1.009	Gloves and Mouthpieces		
61K1-1.010	Physician; License and Duties; Authority		
61K1-1.011	Manager; License; Contract Between Manager and Participant	A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW: DATE AND TIME: February 6, 2012, 10:00 a.m., or soonest thereafter	

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-3.001	Participant; License; Conduct and Other Requirements
61K1-3.002	Judge; License and Duties
61K1-3.003	Announcer; License and Duties
61K1-3.004	Timekeeper or Knockdown Timekeeper; License and Duties
61K1-3.005	Second; License and Duties
61K1-3.006	Referee; License and Duties
61K1-3.007	Trainer; License and Conduct
61K1-3.008	Booking Agent, Representative of Booking Agent; License
61K1-3.009	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
61K1-3.010	Concessionaire; License; Bond
61K1-3.011	Manager; License; Contract Between Manager and Participant
61K1-3.012	Contracts Between Manager and Participant
61K1-3.013	Insurance Requirements
61K1-3.014	Weight Classes; Weight-In
61K1-3.015	Equipment Requirements.
61K1-3.016	Participants' Apparel and Appearance
61K1-3.017	Bandages and Handwraps
61K1-3.018	Gloves
61K1-3.020	Scoring
61K1-3.021	Conduct of Bout
61K1-3.022	Post-Match Physical Requirements; Suspension
61K1-3.023	Post-Match Reports Required to be Filed; Penalty for Late Filing

PURPOSE AND EFFECT: The Commission proposes to substantially rewrite Chapter 61K1-1, F.A.C., to clarify existing rule language. To accomplish this task it is necessary to implement a new rule Chapter 61K1-3, F.A.C. This section

will address professional boxing, kickboxing, and mixed martial arts licensure requirements, health and safety equipment, and official's duties and responsibilities.

SUBJECT AREA TO BE ADDRESSED: The licensing and regulation of Professional boxing, kickboxing, and mixed martial arts.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.043 FS.

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

DATE AND TIME: February 6, 2012, 10:00 a.m., or soonest thereafter

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-4.001	Criteria for Approval and Denial for Amateur Sanctioning Organization in Boxing, Kickboxing, and Mixed Martial Arts
61K1-4.002	Insurance Requirements
61K1-4.003	Equipment Requirements
61K1-4.004	National Database Event Registration
61K1-4.005	Referee Requirements
61K1-4.006	Weigh-In
61K1-4.007	Boxing Weight Classes
61K1-4.008	Boxing Apparel
61K1-4.009	Boxing Bandages and Handwraps.
61K1-4.010	Boxing Gloves
61K1-4.011	Boxing Conduct Bout
61K1-4.012	Boxing Weight Classes
61K1-4.013	Kickboxing Apparel
61K1-4.014	Kickboxing Bandages and Handwraps
61K1-4.015	Kickboxing Gloves
61K1-4.016	Kickboxing Conduct of Bout
61K1-4.017	Mixed Martial Arts Weight Classes.
61K1-4.018	Mixed Martial Arts Apparel

- 61K1-4.019 Mixed Martial Arts Bandages and Handwraps
- 61K1-4.020 Mixed Martial Arts Gloves
- 61K1-4.021 Mixed Martial Arts Conduct Bout
- 61K1-4.022 Notice of Suspension for Failure to Supervise or Enforce the Approved Health and Safety Standards

PURPOSE AND EFFECT: The commission proposes to substantially rewrite Chapter 61K1-1, F.A.C., to clarify existing rule language. To accomplish this task it is necessary to implement a new Chapter 61K1-2, F.A.C. This section will address amateur boxing, kickboxing, and mixed martial arts licensure requirements, health and safety equipment, and official’s duties and responsibilities.

SUBJECT AREA TO BE ADDRESSED: The licensing and regulation of amateur boxing, kickboxing, and mixed martial arts.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.043 FS.

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

DATE AND TIME: February 6, 2012, 10:00 a.m., or soonest thereafter

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.001 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The purpose of this amendment is to amend the title of part IV of the examination and the subject areas and associated weights for the clinical portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

RULEMAKING AUTHORITY: 456.017(1), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(1), 463.006(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.

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.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a subsection regarding the policy and procedural manual for community pharmacies regarding the procedures implemented to minimize dispensing of controlled substances based on fraudulent misrepresentations.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permits – Applications and Permitting.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NOS.: 64B19-11.001 RULE TITLES: Examination
64B19-11.012 Application Forms

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate the revised re-examination form and the revised licensure application into the respective rules.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the revised forms for re-examination and application for licensure. RULEMAKING AUTHORITY: 456.017(1)(b), (c), 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b), 490.007(1) 456.017(1)(b), (c), (d), (6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NOS.:	RULE TITLES:
64B19-12.002	Application and Examination Fee for Licensure by Examination; Review Fee

64B19-12.003	Reexamination Fee
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PURPOSE AND EFFECT: The Board proposes the development of rule amendments to reduce the Florida laws and rules examination fee and re-examination fee from \$150 to \$85.

SUBJECT AREA TO BE ADDRESSED: Reduction of the laws and rules exam fees.

RULEMAKING AUTHORITY: 456.013(2), 456.017(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.204	Rights and Responsibilities

PURPOSE AND EFFECT: The proposed rule amends the Rights and Responsibilities, CF-ES 2064, and incorporates it by reference.

SUBJECT AREA TO BE ADDRESSED: Revised Rights and Responsibilities, CF-ES 2064.

RULEMAKING AUTHORITY: 409.212, 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 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 15, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Cindy Keil. 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: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4113, cindy_keil@dcf.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.707	Family-Related Medicaid Income and Resource Criteria

PURPOSE AND EFFECT: The proposed rule amends when loss or reduction of income must be verified.

SUBJECT AREA TO BE ADDRESSED: The requirement to verify a loss or reduction of income within the 60 days preceding an application date is being revised to require verification for a loss or reduction of income occurring during the month of application.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.919 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 22, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Janice Johnson. 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: Janice Johnson, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4111, janice_elaine_johnson@dcf.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-2.023	Application and Determination of Eligibility

PURPOSE AND EFFECT: The proposed rule removes the obsolete Request for Assistance, CF-ES 2066, adds the ACCESS Florida Application, CF-ES 2337 and amends the Notice of Case Action, CF-ES 2235. Included in this proposed rule amendment are some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule removes, adds and amends forms.

RULEMAKING AUTHORITY: 409.212(7) FS.

LAW IMPLEMENTED: 409.212 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 22, 2012, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Janice Johnson. 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: Janice Johnson, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4111, janice_elaine_johnson@dcf.state.fl.us
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 Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-213.010	Purpose and Scope
69B-213.020	Definitions
69B-213.040	Who May Appoint a Customer Representative
69B-213.050	Limits on Lines and Products the Customer Representative May Handle
69B-213.060	Appointment of Customer Representative and Designation of Supervising Agent
69B-213.070	Termination of Appointment or Supervision
69B-213.080	Duties of Appointing Agent
69B-213.090	Duties of Appointing Agency
69B-213.100	Duties of Designated Supervising Agent
69B-213.110	Customer Representative's Duties
69B-213.120	Duty to Supervise Explained
69B-213.130	The Customer Representative's Authority; Limitations

PURPOSE AND EFFECT: The proposed amendments will update the rules in Chapter 69B-213, F.A.C., to conform with current statutory provisions in the Florida Insurance Code.

SUBJECT AREA TO BE ADDRESSED: Customer representatives.

RULEMAKING AUTHORITY: 624.308, 626.7353(3) FS.

LAW IMPLEMENTED: 624.307(1), 626.015, 626.112, 626.161, 626.172, 626.451, 626.471, 626.561(2), 626.592, 626.734, 626.7351, 626.7352, 626.7353, 626.7354, 626.747, 626.748 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 22, 2012, 1:00 p.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger, (850)413-5605 or Ray.Wenger@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: Ray Wenger, Bureau of Investigations, Division of Insurance Agents and Agency Services, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. The text of the proposed rules is also available on the Department's website: <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:
1B-2.011 Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Library Cooperative Grant, the Library Services and Technology Act Grant, the State Aid to Libraries Grant, the Public Library Construction Grant, the Community Libraries in Caring Grant, the Florida Library Literacy Grant program, and the Community and Library Technology Access Partnership Grant program rules.

SUMMARY: The Library Cooperative Grant program guidelines will be updated to reflect a change to the funding formula and allocation of counties, and to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement. The Library Services and Technology Act Grant program guidelines will be updated to require submission of applications in the electronic Florida Libraries and Grants system, describe the application components, and outline the revised evaluation criteria. These revisions will also update requirements in the grant agreement.

The State Aid to Libraries Grant program guidelines will be updated to require reporting by grant recipients on subsequent years' expenditure of grant funds, allow for the carryover of the balance of any State Aid grant funds until expended and to

incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Public Library Construction Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Community Libraries in Caring Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

This revision will repeal the Florida Library Literacy Grant program and the Community and Library Technology Access Partnership Grant program rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 257.14, 257.15, 257.191, 257.193 FS.

LAW IMPLEMENTED: 257.16, 257.17, 257.171, 257.172, 257.18, 257.25, 257.191, 257.192, 257.193, 257.41, 257.42 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: February 21, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Room 307, Division of Library and Information Services, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 or by email at mdeeney@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 or by email at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended 4-1-10, amended xx-xx-xx; which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03, amended 4-1-10; Grant Agreement, effective 12-28-03, amended 4-1-10, amended xx-xx-xx; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03, amended 4-1-10; State Aid to Libraries Required Documents Checklist (Form DLIS/SA05), effective 4-1-10.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, amended xx-xx-xx; which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; ~~and~~ Closeout Report (Form DLIS/PLC06) effective 1-9-03; and Grant Agreement effective xx-xx-xx;

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended 1-24-2008, amended xx-xx-xx; which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-2008; Mid-Year Report (Form DLIS/LCG02) effective

1-24-08; ~~Annual Report Form (Form DLIS/LCG03) effective 1-24-08; Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended 1-24-2008, amended xx-xx-xx; Grant Agreement (Form DLIS/LCG05), effective 1-24-08, amended xx-xx-xx; and the FLIN Manual, effective 1-24-08.~~

(d) The Library Services and Technology Act Grant Guidelines ~~and Application~~, effective 4-1-98, amended 2-14-99, amended 11-20-01, amended 4-21-10, amended xx-xx-xx; which contain instructions ~~and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10; Mid Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10, Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01, 4-21-10; and Grant Agreement, effective 4-21-10, amended xx-xx-xx.~~

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 ~~which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.~~

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application ~~which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.~~

(~~e~~)g) The Community Libraries in Caring Program Application, effective 11-16-04, amended xx-xx-xx; which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, amended revised 2-21-06, amended 2-21-07, amended xx-xx-xx.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants; ~~Florida Library Literacy Grants~~; and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Rulemaking Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, 4-1-10, 4-21-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Judith A. Ring

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011 and October 28, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-4.002	Purpose and Definitions
5I-4.003	Vehicular, Animal and Pedestrian Control
5I-4.005	Protection of Managed Lands
5I-4.006	Recreational Activities and Facilities
5I-4.007	Garbage, Water Pollution and Glass Containers
5I-4.008	Vendors; Authorizations; Fees
5I-4.011	Penalties for Violations

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to modify the definition off-highway vehicle, add two new definitions, implement rules for a new off-highway trail system, change the title of and references to the Division of Forestry or Division to the Florida Forest Service or Service, and comply with the provisions of Section 790.33, Florida Statutes.

SUMMARY: This rulemaking adopts the statutorily revised definition of off-highway vehicles, adds two new definitions, adds a new location where off-highway vehicles can be operated on Florida Forest Service managed lands, changes the title of and references to the Division of Forestry or Division to the Florida Forest Service or Service, and eliminates provisions regarding the possession of firearms while visiting state forests and restates the law regarding the discharge of firearms in public.

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: If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes, (or any other statute) before becoming effective because none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered.

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: 570.07(23), 589.011, 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011, 589.071 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 RULES IS: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA FOREST SERVICE FORESTRY

5I-4.002 Purpose and Definitions.

The purpose of this chapter is to provide information regarding the utilization of lands and facilities managed or controlled by the Department of Agriculture and Consumer Services, Florida Forest Service Division of Forestry. The following words have the meaning indicated:

(1) through (8) No change.

~~(9) DIVISION: Division of Forestry.~~

~~(9)(40) GROUP CAMP: A designated primitive camping area designed to accommodate organized groups for overnight visits. Authorization will be given absent a determination that the proposed use will adversely affect managed lands.~~

~~(10)(41) HIKING TRAIL: A designated trail on which only pedestrian traffic is allowed.~~

~~(11)(42) HORSE: Any member of the equine family.~~

~~(12)(43) HORSE TRAIL: A designated trail on which only horse or pedestrian traffic is allowed.~~

~~(13)(44) HUNT CAMP: An area consisting of designated primitive campsites that require a Hunt Camp Permit for the entire length of a specific hunt (e.g. Archery, General Gun, Small Game or Spring Turkey) and is available only to properly licensed hunters.~~

~~(14)(45) MANAGED LAND(S): Any land, water body, or facility managed, controlled, or occupied by the Department of Agriculture and Consumer Services, Florida Forest Service Division of Forestry.~~

(15)(16) MOTOR VEHICLE: An automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon track, bicycles, or mopeds.

(16)(17) MULTI-USE TRAIL: A ~~non-motorized~~ trail shared by more than one user group.

(17)(18) NATURE TRAIL: A hiking trail to be used for environmental or forest education.

(18)(19) NON-MOTORIZED VEHICLE: Any non-motorized wheeled conveyance, intended for the transportation of persons or materials, whether human-powered, drawn or towed.

(19)(20) OFF-HIGHWAY MOTORCYCLE (OHM) – Any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(20)(21) OFF-HIGHWAY VEHICLE – Any ATV, two rider ATV, ROV, or OHM that is used off the roads or highways of this state and is not registered and licensed for highway use under Chapter 320, F.S.

(21)(22) ORGANIZED GROUP: Any organization or collection of persons using managed lands for the same purpose in an organized or communal fashion.

(22)(23) PRIMITIVE CAMPS: Overnight areas that have limited facilities, such as site pads, tables, standing or ground grills, and sometimes non-flush toilets.

(23)(24) PERSON: Any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

(24)(25) PET: Any domesticated animal, fowl, reptile or other living thing, except seeing-eye or hearing-ear dogs, which is maintained as a household or family pet.

(25) Recreational Off-highway Vehicle (ROV): Any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in Section 320.01(22), F.S. and 316.003(68), F.S., or a low-speed vehicle as defined in Section 320.01(42), F.S.

(26) No change.

(27) SCHEDULE OF FEES: The Florida Forest Service Division is authorized under Section 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Service Division for management purposes. A list of the current fees can be found in the document entitled “User Fees on Florida Forest Service

Division of Forestry Managed Lands, September 2010” which is hereby adopted and incorporated by reference. This fee schedule can be obtained by contacting any State Forest office, the Florida Forest Service Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650, or by visiting http://www.floridaforestservice.com/forest_recreation/fees.html.

(28) SERVICE: Florida Forest Service.

(29)(28) SWIMMING AREA: Any area designated for swimming.

(30) TWO-RIDER ATV: Any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

(31)(29) WATERCRAFT: Any motorized, paddle-propelled or wind-driven means of water-related transportation.

(32)(30) YOUTH GROUP: Any organized group of seven or more youths (under the age of 18) who are affiliated with a recognized not-for-profit organization, accompanied by one or more adult (18 years or older) chaperon(s).

Rulemaking Specific Authority 570.07(23), 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(3), 589.071 FS. History–New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, 3-2-09, 11-23-10, _____.

5I-4.003 Vehicular, Animal and Pedestrian Control.

(1) through (4) No change.

(5) No person shall operate any motor vehicle on managed lands except on designated roads, parking areas, or other areas established and specifically identified by the Service Division.

(6) No person shall operate any off-highway vehicle on managed lands except in areas designated specifically for their use or unless specifically authorized by the Service Division.

(7) No change.

(8) No motor vehicles are permitted on any sand bar along or within the streams of any managed lands, or on any other area specifically prohibited by the Service Division.

(9) through (10) No change.

(11) No person shall bring horses or horse trailers into camping facilities, except upon showing that special request has been made to, and permission granted by, the Service Division. The Service Division will grant permission upon a determination that there is no threat to public safety, or to the condition of the camping facilities and that the horses and horse trailers do not constitute a nuisance.

(12) No person shall ride or lead horses off designated horse trails or field trial runs, except upon showing that a special request has been made to, and permission granted by, the Service Division. The Service Division will grant permission upon a determination that there is no threat to public safety or to the condition of these particular areas and those acts do not constitute a nuisance.

(13) through (16) No change.

(17) The ~~Service Division~~ will temporarily or permanently close any road, trail, facility, or area, or restrict the use thereof upon determination that there is a danger to the health, safety and welfare of any person; potential damage to the resources; or when it is determined necessary in the proper management of the forest.

Rulemaking Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, _____.

5I-4.005 Protection of Managed Lands.

No person shall:

(1) through (11) No change.

(12) Remove any plant life from any managed lands except for educational or research purposes, and only after notification to the ~~Service Division~~.

(13) through (15) No change.

(16) Operate a commercial enterprise on managed lands, except in limited circumstances where such enterprise provides a compatible service to forest visitors participating in recreation, and only after notification to the ~~Service Division~~, and payment of the applicable fee in accordance with subsection 5I-4.002(27), F.A.C.

(17) Possess or consume alcoholic beverages on managed lands where posted as prohibited by the ~~Service Division~~.

(18) through (19) No change.

(20) Leave any item, including but not limited to tents, trailers, vehicles, motorcycles, or other items, in a campsite unattended before or after the registered camping dates on a ~~Florida Forest Service Division of Forestry~~ Registration/Receipt, self-service pay envelope, or state forest authorization received from the ~~Florida Forest Service Division of Forestry~~ field unit. Unattended items found in an unregistered campsite shall be duly posted to be removed within 48 hours with the owner paying the scheduled fee for each night the item(s) remained at the site. In addition, after the item(s) have been duly posted for removal within 48 hours, such item(s) will be removed at the last known owner's expense. Any lost or abandoned property on managed lands will be disposed of in accordance with Chapter 705, F.S.

Rulemaking Specific Authority 589.011(4) FS. Law Implemented 589.011(4) FS. History—New 5-24-92, Amended 1-19-95, 5-15-95, 11-6-95, 5-31-04, _____.

5I-4.006 Recreational Activities and Facilities.

(1) Swimming and Sunbathing:

(a) All persons shall comply with hours posted by the ~~Service Division~~ during which use of swimming areas is prohibited.

(b) Swimming areas will be closed to the public, and the use thereof prohibited, at any time the ~~Service Division~~ determines that such activities are dangerous or otherwise inadvisable.

(c) The washing of persons or objects, with or without soaps or other cleansers, is prohibited in any waters within managed lands.

(d) Pets are prohibited in swimming areas.

(e) Swimming will be prohibited in any water body, or portion thereof, on managed lands at any time the ~~Service Division~~ determines there is a threat to the life, limb, or property of any human being or damage to any natural or cultural resource.

(2) Boating:

(a) Boating is allowed on any water body within managed lands unless the water body is posted otherwise. Posting may include restrictions on the use and the type of watercraft propulsion system allowed.

(b) No person shall operate any watercraft in swimming areas.

(3) Fishing:

(a) Fishing by any legal method is allowed in water bodies on managed lands, except where prohibited by the ~~Service Division~~. Applicable rules of the Florida Fish and Wildlife Conservation Commission apply.

(b) Fishing is prohibited in swimming areas.

(4) Camping and Day-Use:

(a) A limited number of camping facilities and day-use areas on managed lands may be reserved in advance.

(b) Camping within managed lands is authorized only in designated areas.

(c) Camping within managed lands, except in designated hunt camps, is limited to 14 consecutive days during any 30-day period.

(d) Camping within managed lands where a fee is required is authorized upon payment of that fee.

(e) Except upon special authorization by the ~~Service Division~~ and upon the ~~Service's Division~~ determination that there will be no danger to the health, safety, and welfare of the campgrounds, no more than five persons, with a maximum number of one recreational vehicle or two tents, are allowed per campsite.

(f) Visitors of registered campers in developed campgrounds are allowed provided the total number of visitors or their vehicles do not create a nuisance or hazard to other campers, interfere or obstruct pedestrian or vehicular traffic, or interfere with other proper uses of the camping facility.

(g) No pet is allowed on managed lands unless the pet is confined or restrained on a leash no more than ten feet in length. NOTE: Certain portions of managed lands may be posted prohibiting pets.

(h) In accordance with Section 790.15(1), Florida Statutes, it is a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes, to knowingly discharge a firearm in a state forest, unless a person is lawfully defending life or property or performing official

duties requiring the discharge of a firearm or discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or the Florida Forest Service. State forests are public places intended and designed to be frequented or resorted to by the public. State forest camping areas and day-use areas, including, but not limited to, hunt camps and the Croom Motorcycle Area, are not approved for hunting, and the discharge of a firearm in these areas is strictly prohibited. Firearms are prohibited on managed lands except during scheduled hunting season or in designated areas. No loaded firearm is allowed in a camping area or day-use area anytime. On lands designated as wildlife management areas or wildlife and environmental areas firearms may be used possessed as outlined in FWC Administrative Rule 68A-15.004 or 68A-17.004, F.A.C. Note: A person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns on managed lands (including non-wildlife management areas, camping areas and day-use areas) under the provisions of Section 790.06, F.S., throughout the year, unless otherwise prohibited pursuant to state or federal law.

- (i) Checkout time for campers is 2 p.m. unless otherwise posted.
- (j) Chainsaw use in camping facilities is prohibited.
- (k) Persons who are not registered campers or visitors of registered campers are not allowed to park in camping facilities or use campsites.
- (l) No person shall remain in any day-use facility after its designated closing time unless prior notification has been provided to the Service Division.
- (m) Quiet time is 10 p.m. until sunrise.
- (n) The Service Division reserves the right to set carrying capacities on managed lands in order to protect the natural resources.
- (o) Organized groups must notify the Service Division, request reservations from the Service Division, and have written authorization from the Service Division to use managed lands. Authorization will be given absent a determination that the proposed use will adversely affect managed lands.

(5) Hunt Camps:

- (a) The maximum number of persons allowed in an authorized hunt camp shall be predetermined based on the size and location of the site.
- (b) If all hunt camp sites are occupied, then the Service Division may assign hunters to non-hunt campsites. No more than five persons will be allowed per campsite and the normal non-hunt campsite scheduled fee for the campsite shall be charged.
- (c) Temporary structures may be erected in hunt camps on managed lands. Any such structure must be removed no later than six days after the end of the hunting season for which the hunt campsite authorization is issued. Persons that do not

remove camping equipment, trailers or temporary structures by this ending date will be charged the current primitive camp site rate per day until their removal.

- (d) Hunt campsite authorizations are to be displayed on the numbered post designating the individual campsite.
- ~~(e) Loaded firearms are prohibited in hunt camps.~~
- ~~(e)(f)~~ Hunt camp permits shall be issued on a renewal basis, first come, first served basis or through a lottery system, depending upon the best resource management technique for each state forest that provides hunt camps. Only one hunt camp permit will be issued annually to a single household for Tate's Hell State Forest and John M. Bethea State Forest. No more than two hunt camp permits will be issued annually to a single household for Withlacoochee State Forest.

(6) Croom Motorcycle Area at Withlacoochee State Forest and Off-Highway Vehicle Trail System at Tates Hell State Forest:

- ~~(a) Firearms are prohibited within the boundaries of the Croom Motorcycle Area.~~
- ~~(a)(b)~~ No person shall operate an off-highway vehicle inside the boundaries of the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest unless the vehicle visibly displays a valid, permanently attached, motorcycle decal issued by the Service Division.
- ~~(b)(e)~~ No person shall operate an off-highway vehicle within the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest between sunset and sunrise.
- ~~(c)(d)~~ All persons operating off-highway vehicles on managed lands do so at their own risk and must comply with all established rules.
- ~~(d)(e)~~ No person shall operate an off-highway vehicle within the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest unless such vehicle has a muffler system conforming to the requirements of the Florida Highway Patrol Handbook.

~~(e)(f)~~ No person shall operate a off-highway vehicle motorized cycle faster than ten (10) miles per hour inside the Croom Motorcycle Area at Withlacoochee State Forest or the Off-Highway Vehicle Trail System at Tates Hell State Forest camping facilities and day-use parking areas.

~~(f)(g)~~ No person under the age of 16 shall operate or ride a off-highway vehicle motorized cycle in the Croom Motorcycle Area at Withlacoochee State Forest or at the Off-Highway Vehicle Trail System at Tates Hell State Forest without the direct supervision of an adult (18 years or older).

(7) No change.

Rulemaking Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, 3-2-09, _____.

5I-4.007 Garbage, Water Pollution and Glass Containers.

(1) through (4) No change.

(5) Glass containers are prohibited in and around all waterways within the boundaries of managed lands and on any other area specified by the Service Division.

Rulemaking Specific Authority 589.011(4), 589.12 FS. Law Implemented 589.011(1), (4) FS. History–New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04,_____.

5I-4.008 Vendors; Authorizations; Fees.

Any offsite commercial enterprise desiring to provide horses, canoes, bicycles, or other animals or equipment to any person for use on managed lands shall pay any applicable fees in accordance with subsection 5I-4.002(27), F.A.C., to the Service Division. The commercial enterprise shall provide all customers with copies of Service Division brochures containing general information governing use of the forest.

Rulemaking Specific Authority 589.011(4) FS. Law Implemented 589.011(1), (3) FS. History–New 5-24-92, Amended 11-6-95, 5-31-04,_____.

5I-4.011 Penalties for Violations.

Section 589.011(4), F.S., provides that the Florida Forest Service Division of Forestry on behalf of the state may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the Service Division for management purposes. Any person violating or otherwise failing to comply with any of the provisions of Section 589.011(4) or 589.071, F.S., or rules adopted pursuant to Section 589.011(4), F.S., is guilty of a non-criminal violation as defined in Section 775.08(3), F.S., punishable only by fine not to exceed \$500.00.

Rulemaking Specific Authority 589.011(4), 589.071 FS. Law Implemented 589.011(4), 589.071 FS. History–New 5-24-92, Amended 1-19-95, 5-31-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James R. Karels, Director, Florida Forest Service

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2012

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-5.001	Purpose
5I-5.002	Definitions
5I-5.003	Use of Plant A Tree Trust Fund Monies
5I-5.004	Grant Application Process
5I-5.005	Reviewing and Processing of Grants
5I-5.006	Maintenance of Grant Award Projects
5I-5.007	Prioritization of Grant Applications
5I-5.008	Award of Grants
5I-5.009	Execution of Agreements and Documents
5I-5.010	Review of Projects in Progress and Upon Completion

PURPOSE AND EFFECT: Repeal of unnecessary rule chapter.
SUMMARY: The repeal of Chapter 5I-5, F.A.C., which no longer needed to operate the Forest Services’ tree planting programs.

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.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes, (or any other statute) before becoming effective because repealing these unnecessary will not have an adverse impact or impose a regulatory cost.

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: 570.07(23), 589.277 FS.

LAW IMPLEMENTED: 589.277 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 RULES IS: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-5.001 Purpose.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 589.277 FS. History–New 3-8-93, Repealed_____.

5I-5.002 Definitions.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.003 Use of Plant A Tree Trust Fund Monies.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-3-94, Amended 4-17-95, Repealed.

5I-5.004 Grant Application Process.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.005 Reviewing and Processing of Grants.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.006 Maintenance of Grant Award Projects.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.007 Prioritization of Grant Applications.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.008 Award of Grants.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 8-19-93, Amended 4-17-95, Repealed.

5I-5.009 Execution of Agreements and Documents.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

5I-5.010 Review of Projects in Progress and Upon Completion.

Rulemaking Specific Authority 570.07(23), 589.277(3) FS. Law Implemented 570.0705, 589.277 FS. History–New 3-8-93, Amended 4-17-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James R. Karels, Director, Florida Forest Service

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099822
RULE TITLE: School Improvement Rating for Alternative Schools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify that the performance of students attending a charter alternative school is not to be included in the student’s home school grade, to remove obsolete language equating an alternative school that has a declining rating with an “F” school, and to remove language regarding school recognition awards that duplicates language in the statute.

SUMMARY: This rule amendment is proposed to remove an obsolete clause in the rule’s definition of alternative schools pursuant to Section 1003.53, Florida Statutes, make minor technical edits to ensure that the rule language unambiguously conforms with provisions in the governing statute and to ensure that the crediting back of scores to home schools occurs only for students who have been assigned to alternative schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with school improvement ratings and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1008.34, 1008.341 FS.

LAW IMPLEMENTED: 1008.34, 1008.341 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 28, 2012, 8:00 a.m.

PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fldoe.org>).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Croft, Bureau Chief, Accountability Reporting, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0429

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) Purpose. The purpose of this rule is to implement the requirements of Sections 1008.34 and 1008.341, F.S.

(2) School Eligibility.

(a) Definition of an alternative school for accountability purposes. An alternative school, for purposes of school accountability improvement ratings, is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, F.S., ~~and has students referred to the school by another school in any district.~~ Charter schools can be designated as alternative schools for the purposes of school accountability improvement ratings if the school's charter explicitly states that the mission of the charter school is to provide dropout prevention and academic intervention services through alternative education. This definition does not include "second chance schools" as defined by Section 1003.53, F.S., educational programs operated or contracted by Department of Juvenile Justice facilities, or district school board programs that serve students officially enrolled in dropout retrieval programs.

(b) In school year 2007-2008, and annually thereafter, school districts will have the opportunity to identify alternative schools for accountability purposes in compliance with the above guidelines. Those identified schools will have the option of earning a school grade, pursuant to Section 1008.34, F.S., or a school improvement rating, as outlined in subsection (5) of this rule.

(3) Accuracy of Data.

(a) Prior to the calculation of School Improvement Ratings for Alternative Schools, as described in subsection (5) of this rule, alternative schools will be identified in a cumulative list according to primary service type as designated in the Department of Education's Master School Identification file.

(b) Districts will be given the opportunity to review the cumulative list and submit additions and ~~or~~ deletions, as necessary, to the Department of Education. Documentation required to make an addition or deletion to the list of alternative schools shall include, at a minimum:

1. Statement of the current mission of the school;
2. Description of the targeted student population;
3. Explanation of enrollment procedures; and
4. Verification that a majority of enrolled students are at-risk, low-performing students exhibiting discipline or attendance problems.

(4) Student Inclusion.

(a) As outlined in Section 1008.341(3), F.S., the calculation of a school improvement rating shall include the aggregate scores of students assigned to and enrolled in the alternative school during the October or February FTE count.

(b) As outlined in Section 1008.34(3)(b)3., F.S., the following students are not included in the accountability calculations for alternative schools:

1. Students subject to district school board policies for expulsion for repeated ~~and~~ or serious offenses;

2. Students who are in dropout-retrieval programs who have officially been designated as dropouts; and

3. Students who are in programs operated or contracted by the Department of Juvenile Justice.

(5) through (c)2. No change.

~~(d) Pursuant to Section 1008.341, F.S., schools that improve at least one level or maintain an "improving" rating are eligible for school recognition awards pursuant to Section 1008.36, F.S.~~

~~(e) If a school earns a "declining" rating, the school is subject to the same requirements as a school designated School Performance Grade F as outlined in Rule 6A-1.09981, F.A.C.~~

~~(d)6.~~ After the initial issuance of the school improvement ratings, school districts shall have the opportunity to review and submit for state review any appeal of the calculation as outlined in paragraph 6A-1.09981(9)(c), F.A.C.

(6) Student Performance Credited to Home School When Alternative School Receives a School Improvement Rating. If an alternative school chooses to be evaluated through a school improvement rating rather than a school grade, and the alternative school is not a charter alternative school established pursuant to Section 1002.33, F.S., the student performance of eligible students (identified in Section 1008.34(3)(b)3., F.S.) shall be included in the students' home school's grade as well as the alternative school's school improvement rating. An eligible student's performance will be included in the calculation of the home school's overall percentage of students making learning gains in reading and in math, provided that the student is enrolled in a grade level at the alternative school that is offered by the student's home school.

Rulemaking Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History--New 4-14-08, Amended 6-22-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kris Ellington, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0131 **RULE TITLE:** Critical Teacher Shortages
PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule language to include additional data elements that must be used when analyzing the Critical Teacher Shortage areas. These updates are also being made to be compliant with Senate Bill 736, The Student Success Act. The effect is a rule aligned with Florida Statutes.

6A-20.0131 Critical Teacher Shortages.
 (1) On or before ~~December 4~~ January 31 of each year, the Commissioner shall recommend to the State Board for approval the specific teaching areas and high priority locations in which critical teacher shortages are projected for the public schools during the year following the academic year in which approval is made.

SUMMARY: Section 1012.07, Florida Statutes, was amended to provide further clarity on determining and indentifying critical teacher shortage areas. The proposed rule amendment further clarifies the definition of critical teacher areas in relation to workforce demands and emerging educational requirements.

(2) In accordance with procedures approved by the Commissioner, a list of critical teacher shortage areas shall be prepared based on consideration of current supply and demand information, vacancy information in each teaching discipline, and emerging educational requirements. In addition, data related to Florida public school instructional personnel shall include including but not be limited to:

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.

~~(a) The number and percentage of vacant positions in each teaching discipline;~~

~~(b) The number and percentage of positions in each discipline filled by teachers not certified in the appropriate field;~~

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and; 2) based on past experiences with the Critical Teacher Shortages and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

~~(c) The projected annual supply of graduates of state approved Florida teacher education programs for each discipline; and~~

~~(d) Critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards. Such areas shall be identified based on consideration of at least the information specified in paragraphs (2)(a) and (b) of this rule and shall be submitted to the Department no later than June 1 of each year.~~

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.

(3) Based on data submitted annually by each school district, the Commissioner shall rank all public schools in accordance with the criteria provided in Section 1012.07, Florida Statutes, and shall select from this ranked list those schools to be identified as high priority locations.

(4) Based on the recommendations of the Commissioner, the State Board shall adopt a list of approved critical teacher shortage areas and high priority locations ~~to be used in conjunction with the programs described in Rules 6A-20.012 and 6A-20.013, F.A.C.~~

RULEMAKING AUTHORITY: 1001.02, 1012.07 FS.

Rulemaking Specific Authority 1001.02(1), 1012.07(1) FS. Law Implemented ~~1009.58, 1009.59~~, 1012.07 FS. History—New 5-24-84, Formerly 6A-7.16, 6A-7.016, Amended 10-18-94, 5-3-01, _____.

LAW IMPLEMENTED: 1012.07 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, K-12 Public Schools

DATE AND TIME: February 28, 2012, 8:00 a.m.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fldoe.org>).

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Hebda, Deputy Chancellor for Educator Quality, 325 W. Gaines St., Suite 1502, Tallahassee, FL 32399, (850)245-0509

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: 19B-8.002
 RULE TITLE: Age Limitations

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan rule providing a clarification of when does the Board determine the need to impose an additional amount on an account when beneficiaries are substituted, and provide a clarification of the age limitation permitting the substitution of beneficiaries.

SUMMARY: This rule change amending to provide clarification of when additional amount on an account is required when substituting beneficiaries.

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.

1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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 Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: February 17, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax request to: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee,

Florida. Facsimile (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.002 Age Limitations.

The transfer to a substitute beneficiary is limited to individuals who are ~~no more than three years, younger or older, from the age of the original~~ younger than the qualified beneficiary, ~~or no more than three years older than the qualified beneficiary,~~ without assessment of an additional advance payment contract price. If transfer to a substitute beneficiary more than three years, ~~younger or older, from the age of the original~~ older than the qualified beneficiary is desired, application must be made to the Board. The Board ~~will~~ may assess an additional amount ~~only if the change results in a negative impact on~~ to ensure the actuarial soundness of the trust fund.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History—New 3-29-89, Formerly 4G-8.002, Amended 6-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Thompson, Interim Executive Director.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin Thompson, Interim Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2011

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: 19B-12.003
 RULE TITLE: Financial Hardship

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan rule providing when additional proof of hardship will be required.

SUMMARY: This rule change amends when the Florida Prepaid College Plan will require additional information to demonstrate a financial hardship.

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.

1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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 Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: February 17, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

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: fax request to Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308. Facsimile (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin Thompson, Interim Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-12.003 Financial Hardship.

(1) through (2) No change.

(3) For purposes of this Chapter, the term “financial hardship” shall be defined to include any loss of employment or income by a contract purchaser or the spouse of a contract purchaser which limits or otherwise impairs the ability of the contract purchaser to make timely payments on a contract with the Board. A financial hardship will also be found to exist whenever a contract purchaser can demonstrate to the Board that medical circumstances, such as hospitalization of the

purchaser or the spouse of the purchaser, that limit or otherwise impair the contract purchaser’s ability to make timely payments on a contract with the Board. Proof of loss of employment or income or proof of medical circumstances cited in any Petition will ~~may~~ be required by the Board only when circumstances are not clearly cited.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 5-17-92, Formerly 4G-12.003, Amended 6-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Thompson, Interim Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin Thompson, Interim Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-3.312 Exceptions

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to hospital standards and licensure.

SUMMARY: The rule allows special hospitals to apply for an exception to rules and standards relating to operational functions, design and construction of special hospitals. The Agency proposes to repeal this rule based upon no statutory mandate for its purpose.

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 there is no statutory authority for this rule and that repeal will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. 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: Statutory authority does not exist for this rule.

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: 395.003, 395.0163, 395.1055, 408.819 FS.

LAW IMPLEMENTED: 395.002, 395.1055 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 23, 2012, 10:00 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

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: Kimberly A. Stewart, Phone: (850)412-4362. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.312 Exceptions.

Rulemaking Specific Authority 395.003, 395.0163, 395.1055 FS. Law Implemented 395.002, 395.1055 FS. History--New 2-15-82, Formerly 10D-28.111, 59A-3.111, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-4.166
 RULE TITLE: Nursing Home Consumer Satisfaction Survey

PURPOSE AND EFFECT: The Agency for Health Care Administration proposes this rule be repealed due to the Nursing Home Consumer Satisfaction Survey is abolished due to the repeal of the statutory authority of Section 400.0225, Florida Statutes. This rule is no longer necessary and no longer has statutory authority.

SUMMARY: This rule is being repealed because Section 400.0225, Florida Statutes was repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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 required upon and described herein: The underlying statutory authority of this rule has been repealed; therefore, the rule is no longer necessary.

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: 400.0225 FS.

LAW IMPLEMENTED: 400.0225 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: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or via email at Jacqueline.williams@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.166 Nursing Home Consumer Satisfaction Survey.

Rulemaking Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History--New 6-3-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacqueline Williams

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-6.021
 RULE TITLE: Surveys and Evaluations

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: The rule repeats statutory 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: Review and analysis of statutory sections cited for this rule determined that the rule being repealed is not consistent with statutory language cited as law implemented by this rule and included a repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required for this rule.

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: 483.291 FS.

LAW IMPLEMENTED: 483.294 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: March 2, 2012, 1:00 p.m. – 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dayle Mooney, Program Administrator, AHCA Laboratory Unit, 2727 Mahan Drive, MS #32, Tallahassee, FL 32308, Telephone (850)412-4380, E-mail: Dayle.Mooney@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-6.021 Surveys and Evaluations.

Rulemaking Specific Authority 483.291 FS. Law Implemented 483.305 FS. History–New 3-20-94, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dayle Mooney

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-6.032
RULE TITLE: Advertising and Promotional Material

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: The rule repeats statutory requirements and is not mandated by statute.

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: Review and analysis of statutory sections cited for this rule determined that the rule being repealed is not consistent with statutory language cited as law implemented by this rule and included a repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S., is required for this rule.

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: 483.291 FS.

LAW IMPLEMENTED: 483.305 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: March 2, 2012, 2:00 p.m. – 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dayle Mooney, Program Administrator, AHCA Laboratory Unit, 2727 Mahan Drive, MS#32, Tallahassee, FL 32308, Telephone (850)412-4500, E-mail: Dayle.Mooney@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-6.032 Advertising and Promotional Material.

Rulemaking Specific Authority 483.291 FS. Law Implemented 483.305 FS. History–New 3-20-94, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dayle Mooney
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Elizabeth Dudek, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-8.0025 RULE TITLE:
Telephone Reporting

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal Rule 59A-8.0025, F.A.C. This rule is no longer needed since the requirements are now in state law.

SUMMARY: Rule 59A-8.0025, F.A.C., requires notification of patients of the toll-free abuse hotline telephone number and gives the time frame for the Agency to notify home health agencies of changes to telephone number. The requirements are now in Section 408.810(5)(a), Florida Statutes. Therefore, the rule needs to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

A SERC has not been prepared because the rule duplicates what is already in state law at Section 408.810(5)(a), F.S. and does not add any cost to home health agencies.

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 Agency has determined that legislative ratification pursuant to Section 120.541(3), Florida Statutes, is not needed for the repeal of Rule 59A-8.0025, F.A.C., because the requirements are now in state law and the removal of the duplicative rule does not add any costs to home health agencies.

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: 400.497 FS.

LAW IMPLEMENTED: 400.497 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-8.0025 Telephone Reporting.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.497 FS. History—New 5-30-90, Formerly 10D-68.0025, Amended 10-27-94, 1-17-00, 7-18-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-9.018 RULE TITLE:
Purpose

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to abortion clinic standards and licensure.

SUMMARY: The rule states the purpose of rules within Chapter 59A-9, F.A.C., is to establish standards for abortion clinics. The Agency proposes to repeal this rule based upon no statutory mandate for its purpose.

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 there is no statutory authority for this rule and that repeal will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 390.012, 408.819 FS.

LAW IMPLEMENTED: 381.0012, 382, 390.011, 390.012, 390.013 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 23, 2012, 10:30 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

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: Kimberly A. Stewart, Phone: (850)412-4362. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.018 Purpose.

Rulemaking Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History--New 6-13-90, Formerly 10D-72.018, Amended 9-25-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-10.031 Purpose

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to health care risk manager licensure.

SUMMARY: The rule states the purpose of Sections 395.10971 through 395.10975, F.S. – to establish specific standards within the scope of general qualifications that must be met by an individual to receive a license as a health care risk manager. The Agency proposes to repeal this rule as it is not substantive and serves no actual purpose.

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: The Agency has determined this repeal involves an unnecessary statement of purpose and 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 repeal of the rule. Statements of estimated regulatory costs (SERCs) have not been prepared by the Agency based on the determination that the repeal will not impact small businesses.

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: 395.10973(1), 408.819 FS.

LAW IMPLEMENTED: 395.10974 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 23, 2012, 9:30 a.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

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: Kimberly A. Stewart, Phone: (850)412-4362. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-10.031 Purpose.

Rulemaking Specific Authority 395.10973(1) FS. Law Implemented 395.10974 FS. History--New 7-9-86, Formerly 4-65.001, 4-217.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-11.011
 RULE TITLE: Client Orientation and Preparation for Childbirth

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to birth center standards and licensure.

SUMMARY: The rule outlines what must be included in a client’s orientation and preparation for childbirth when delivering in a birth center. The Agency proposes to repeal this rule as it substantially restates the language in Section 383.311, F.S.

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: The Agency proposes to repeal this rule as it substantially restates the language in Section 383.311, 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: 383.309, 408.819 FS.

LAW IMPLEMENTED: 383.311 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 23, 2012, 1:00 p.m.

PLACE: Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

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: Kimberly A. Stewart, Phone: (850)412-4362. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly A. Stewart, Phone: (850)412-4362

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-11.011 Client Orientation and Preparation for Childbirth.

Rulemaking Specific Authority 383.309 FS. Law Implemented 383.311 FS. History–New 3-4-85, Formerly 10D-90.11, 10D-90.011, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly A. Stewart, Phone: (850)412-4362

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-18.001, 59A-18.015, 59A-18.016
 RULE TITLES: Purpose, Surveys and Inspections, Penalties

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to repeal Rules 59A-18.001, 59A-18.015, and 59A-18.016, F.A.C. The rules are no longer needed because the content is in state laws. The effect is that requirements in state rules that duplicate what is in state law will be removed.

SUMMARY: Rule 59A-18.001, F.A.C., repeats the purpose that is stated in Section 400.462(2), F.S. The requirements for access to records and frequency of surveys in Rule 59A-18.015, F.A.C., are now in state law at Section 408.811, F.S.; therefore, the rule is no longer needed. Rule 59A-18.016, F.A.C., provides authority for injunctions and specifies fine amounts. Since the authority for injunctions is in Section 408.816, F.S., and amounts for fines are specified in Section 400.484(2), 408.806(2)(d), and 400.506(4) and (15), F.S., Rule 59A-18.016, F.A.C., needs to be repealed. Also, the Agency’s review of the rules found that the Agency does not have legal authority in the state law to keep Rule 59A-18.016, F.A.C., and it must be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Rule 59A-18.001, F.A.C., is a single sentence that states the purpose of the rule chapter. It repeats what is stated as the purpose of the Chapter 400, Part III, F.S. The removal of

this one sentence rule adds no costs to home health agencies whatsoever. Rule 59A-18.015, F.A.C., repeats the requirements for access to records and the frequency of surveys that is already stated in Section 408.811, F.S., for all facilities licensed by the Agency. The removal of Rule 59A-18.015, F.A.C., adds no cost to home health agencies since the requirements remain in the state law. Rule 59A-18.016, F.A.C., must be removed because the Agency has no legal authority to continue the rule. The removal of the rule will save costs for home health agencies because the fine for submitting late changes of ownership applications will be removed from the rule.

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: 400.497, 400.506 FS.

LAW IMPLEMENTED: 400.497, 400.506 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 RULES IS: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-18.001 Purpose.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.497, 400.506 FS. History–New 2-9-93, Amended 12-24-00, Repealed.

59A-18.015 Surveys and Inspections.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.481, 400.484, 400.506 FS. History–New 2-9-93, Amended 1-27-94, 12-24-00, 3-15-07, Repealed.

59A-18.016 Penalties.

Rulemaking Specific Authority 400.497, 400.506 FS. Law Implemented 400.497, 400.506 FS. History–New 2-9-93, Amended 1-27-94, 12-24-00, 3-15-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Menard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-22.002	Definitions
59A-22.003	Required Screening Documents and Fees
59A-22.004	Requirements for Screening of Employees and Administrators
59A-22.006	Results of Screening and Notification
59A-22.008	Finding of Disqualification
59A-22.009	Exemption From Disqualification
59A-22.010	Appeal of Exemption Denial
59A-22.011	Confidentiality of Screening Records

PURPOSE AND EFFECT: This rule provides guidance for conducting a background screening as required by law for employment within a health care provider regulated by the Agency for Health Care Administration.

SUMMARY: Background screening laws for employment for a health care provider regulated by the Agency for Health Care Administration significantly changed during the 2010 legislative session; rule authority is now in Chapter 408, Part II and included in Chapter 59A-35, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the background screening process currently has rules in Chapter 59A-35, F.A.C., that comply with the legislative changes and the Agency’s rulemaking authority, the repeal of these rules will not affect the screening process.

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: 400.497, 400.512 FS.

LAW IMPLEMENTED: 400.497, 400.512 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 RULES IS: CaraLee Starnes

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-22.002 Definitions.

Rulemaking Specific Authority 400.497, 400.152 FS. Law Implemented 400.462, 400.512, 400.497 FS. History–New 1-5-95, Repealed.

59A-22.003 Required Screening Documents and Fees.

Rulemaking Specific Authority 400.512, 400.497 FS. Law Implemented 400.512, 400.497 FS. History–New 1-5-95, Repealed.

59A-22.004 Requirements for Screening Employees and Administrators.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

59A-22.006 Results of Screening and Notification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

59A-22.008 Findings of Disqualification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

59A-22.009 Exemption from Disqualification.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

59A-22.010 Appeal of Exemption Denial.

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

59A-22.011 Confidentiality of Screening Records

Rulemaking Specific Authority 400.497, 400.512 FS. Law Implemented 400.497, 400.512 FS. History–New 1-5-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
CaraLee Starnes

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-27.003 Inspections

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal Rule 59A-27.003, F.A.C. This rule is no longer needed since the requirements are now in state law.

SUMMARY: Rule 59A-27.003, F.A.C., states that AHCA employees shall have access to health care services pool offices and records to conduct investigations as are necessary. The requirements are now in Section 408.811, Florida Statutes. Therefore, the rule needs to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Rule 59A-27.003, F.A.C., paraphrases the requirements for access to offices and records to conduct investigations that are already stated in Section 408.811, F.S., for all facilities licensed by the Agency, including health care services pools. The removal of the rule adds no costs to health care services pools since the existing requirements remain in the state law.

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: 400.980 FS.

LAW IMPLEMENTED: 400.980 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, AHCA, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-27.003 Inspections.

Rulemaking Specific Authority 400.980 FS. Law Implemented 400.980 FS. History–New 8-2-90, Amended 8-12-91, Formerly 7G-1.011, 61E6-1.011, 64B22-1.003, Amended 6-27-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Anne Menard
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 13, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-33.003	Initial License Applications Applicability
59A-33.004	Renewal License Applications
59A-33.005	Change of Ownership License Applications
59A-33.010	Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses
59A-33.011	Magnetic Resonance Imaging Exemption for Chief Financial Officer

PURPOSE AND EFFECT: The agency intends to repeal each rule. The purpose is to eliminate those rules that are redundant, superfluous or superseded by statute or comparable agency rule. The effect will not have a substantial impact on current forms, agency license processes or forms.

SUMMARY: Rules 59A-33.003; 59A-33.004 and 59A-33.005, F.A.C., involve the licensing process for initial, renewal and change of ownership licenses and have been superseded and substantially replaced by statute, Part II, Ch. 408 FS, the Health Care Licensing Procedures Act and rules, Chapter 59A-35, F.A.C., created under that act. Rule 59A-33.010, F.A.C., provides regulation over the cessation of business and the return of licenses that have been suspended or revoked. The Health Care Licensing Procedures Act and rules supersede and substantially replace the need for this rule. Rule 59A-33.011, F.A.C., provides an exemption process by which a chief financial officer may review billings in licensed clinics as required by Section 400.9935(1)(g), F.S. The statute in (1)(g) follows the statutory exemption that is sufficiently specific without rule implementation. Moreover, the Agency knows of no licensed clinic that currently utilizes the rule exemption. The exemption will still exist by following the requirements of the statute.

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 analyzed the proposed rules and has determined that the proposed rules's repeal is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly required upon and described herein: Review and analysis of statutory sections cited for this rule determined that the repeal of Rules 59A-33.003; 59A-33.004; 59A-33.005, and 59A-33.010, F.A.C., is to eliminate rules that have been superseded or replaced by the passage of Chapter 408, Part II, Florida Statutes and Chapter 59A-35, Florida Administrative Code, which makes the current rules redundant, in conflict or superfluous. There should be no regulatory cost to the public or change in regulation due to legislative and administrative rule changes since these rules were originally promulgated in 2006. Rule 59A-33.011, F.A.C., relates to an exemption for magnetic Resonance Imaging clinics that use a chief financial officer to review billings under Section 400.9935(1)(g), F.S., in lieu of having a medical or clinic director assume those duties. The statute adequately explains the exemption and currently the Agency knows of no licensed facilities that use this exemption. The exemption is created by statute and the rule is either redundant or superfluous. The exemption will still exist in statute after this rule is repealed.

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: Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 400.9925 FS.

LAW IMPLEMENTED: 400.991, 400.992, 400.9935(9), 400.991(4), (8), (9), 400.991(1), 400.9935(5), (11)(a), 400.995(1), (5), 400.991(7)(d), 400.992(4)-(5), 400.9925(1)-(5), 400.993(2), 400.995(1), (6), (7), 400.991, 400.993, 400.994, 400.995, 400.9905(3), 400.9935(11)(a), (g) 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: February 24, 2012, 10:30 a.m. EST

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308

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: Dennis LaRosa, OMC Manager, Health Care Clinic Unit, Health Quality Assurance, Dennis.LaRosa@ahca.myflorida.com; (850)412-4415. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dennis LaRosa, OMC Manager, Health Care Clinic Unit, Health Quality Assurance, Dennis.LaRosa@ahca.myflorida.com, (850)412-4415

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-33.003 Initial License Applications Applicability.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991, 400.992, 400.9935(9) FS. History–New 8-28-06, Repealed.

59A-33.004 Renewal License Applications.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991(4), (8), (9), 400.991(1) 400.9935(5), (11)(a), 400.995(1), (5) FS. History–New 8-28-06, Repealed.

59A-33.005 Change of Ownership License Applications.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991(7)(d), 400.992(4)-(5), 400.9925(1)-(5), 400.993(2), 400.995(1), (6), (7) FS. History–New 8-28-06, Repealed.

59A-33.010 Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.991, 400.993, 400.994, 400.995 FS. History–New 8-28-06, Repealed.

59A-33.011 Magnetic Resonance Imaging Exemption for Chief Financial Officer.

Rulemaking Specific Authority 400.9925 FS. Law Implemented 400.9905(3), 400.9935(11)(a), (g) FS. History–New 8-28-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Gregg

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-6.008	Health Care Entities Required to Report and Pay Assessment
59B-6.009	Definitions
59B-6.010	Adoption and Establishment of AHCA AMBFAC Report Forms
59B-6.011	Manner for Submitting Reports
59B-6.012	Physician Professional Fees
59B-6.013	Unrelated Revenue
59B-6.014	Change of Fiscal Year
59B-6.015	Change of Ownership or New Health Care Entity
59B-6.016	Change of Health Care Entity Address
59B-6.017	Extensions
59B-6.018	Information Letters
59B-6.019	Notice of Reporting Deficiencies and Response
59B-6.020	Audits of Health Care Entities
59B-6.021	Certification of PMATF Assessment
59B-6.022	Calculation and Payment of Assessment
59B-6.023	Penalties for Reporting Deficiencies
59B-6.024	Penalties for Assessment Payment Deficiencies

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: Statutory authority (Section 395.7015, F.S.) was found to be unconstitutional.

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: Based on the fact that the underlying statutory authority for this chapter was found to be unconstitutional, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 395.7015(5) FS.

LAW IMPLEMENTED: 395.7015 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 RULES IS: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-6.008 Health Care Entities Required to Report and Pay Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.009 Definitions.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.010 Adoption and Establishment of AHCA AMBFAC Report Forms.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.011 Manner for Submitting Reports.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.012 Physician Professional Fees.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.013 Unrelated Revenue.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.014 Change of Fiscal Year.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.015 Change of Ownership or New Health Care Entity.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.016 Change of Health Care Entity Address.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.017 Extensions.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.018 Information Letters.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.019 Notice of Reporting Deficiencies and Response.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.020 Audits of Health Care Entities.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408, 408.08(1) FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.021 Certification of PMATF Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.022 Calculation and Payment of Assessment.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015 FS. History--New 5-7-92, Repealed.

59B-6.023 Penalties for Reporting Deficiencies.

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015, 408.08 FS. History--New 5-7-92, Repealed.

59B-6.024 Penalties for Assessment Payment Deficiencies

Rulemaking Specific Authority 395.7015(5), 408.15(8), 408 FS. Law Implemented 395.7015(5), 408.08 FS. History--New 5-7-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.043
RULE TITLE: Burn Units

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: Statutory requirements revoke rulemaking authority from the Certificate of Need purview. A new Burn Unit licensure rule was established in December 2010, pursuant to Section 408.0361, F.S.

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 Certificate of Need Unit no longer has rulemaking authority over Burn Units.

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 Agency has determined that the proposed rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., based on the fact that the Certificate of Need Unit no longer has rulemaking authority in regards to Burn Units.

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: 408.0361 FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(a), (e), (h), (m), 408.039(4)(a) 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: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.043 Burn Units.

Rulemaking Specific Authority 408.0361 FS. Law Implemented 408.034(3), 408.035, 408.036 (1)(a)(e)(h)(m), 408.039(4)(a) FS. History–New 1-1-77, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marisol Novak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-2.0021	Board Officers; Election and Duties
59E-2.0053	Meetings Conducted by Communications Media Technology
59E-2.014	Model Rules of Procedure
59E-2.015	Filing Requirements; Facsimile Transmission

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: Statutory authority (Chapter 407, F.S.) for Hospital Cost Containment Board no longer exists.

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: Based on the fact that the underlying statutory authority for these rules no longer exists, the Agency has determined that no legislative ratification pursuant to subsection 120.541 (3), F.S. is required.

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: 408.15, 407.01, 407.03, 120.53 FS.

LAW IMPLEMENTED: 120.52, 120.53, 407.03, 408.061, 408.062, 408.072, 408.08 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 RULES IS: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-2.0021 Board Officers; Election and Duties.

Rulemaking Specific Authority 407.01, 407.03 FS. Law Implemented 120.53, 407.03 FS. History–New 6-1-92, Repealed.

59E-2.0053 Meetings Conducted by Communications Media Technology.

Rulemaking Specific Authority 120.53, 407.03 FS. Law Implemented 120.52, 120.53 FS. History–New 6-1-92, Repealed _____.

59E-2.014 Model Rules of Procedure.

Rulemaking Specific Authority 408.15 FS. Law Implemented 120.53 FS. History–New 2-29-96, Repealed _____.

59E-2.015 Filing Requirements; Facsimile Transmission.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061, 408.062, 408.072, 408.08 FS. History–New 6-1-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-4.001	Purpose
59E-4.002	Definitions
59E-4.004	Financial Reporting Requirements
59E-4.005	Special Information Requests
59E-4.009	Change of Ownership
59E-4.011	Collection of Data on Nursing Home Charges

PURPOSE AND EFFECT: These rules will be repealed.

SUMMARY: The underlying statutory authority (Section 407.03, F.S.) for this chapter was repealed. Therefore all of the rules for Chapter 59E-4, F.A.C., will be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the fact that the underlying statutory authority (407.03 F.S.) for this chapter was repealed the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 407.03 FS.

LAW IMPLEMENTED: 407.03 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 RULES IS: Ryan Fitch, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-4.001 Purpose.

Rulemaking Specific Authority 407.03 FS. Law Implemented 407.30-34 FS. History–New 9-24-86, Repealed _____.

59E-4.002 Definitions.

Rulemaking Specific Authority 408.15(8) FS. Law Implemented 407.07(41) FS. History–New 9-24-86, Repealed _____.

59E-4.004 Financial Reporting Requirements.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061, 408.062 FS. History–New 2-4-87, Repealed _____.

59E-4.005 Special Information Requests.

Rulemaking Specific Authority 408.61 FS. Law Implemented 408.061, 408.062, 408.08 FS. History–New 9-24-86, Repealed _____.

59E-4.009 Change of Ownership.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.061 FS. History–New 9-24-86, Repealed _____.

59E-4.011 Collection of Data on Nursing Home Charges.

Rulemaking Specific Authority 408.15 FS. Law Implemented 408.062 FS. History–New 6-8-89, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: 59E-7.020
 RULE TITLE: Inpatient Data Reporting
 PURPOSE AND EFFECT: The Agency is proposing repeal of Rule 59E-7.020, F.A.C.

SUMMARY: Repeal of unnecessary rule preface stating the purpose of inpatient data reporting.

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: Repeal of unnecessary rule preface.

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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.05, 408.07, 408.08 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: Patrick Kennedy, (850)412-3757

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-7.020 Inpatient Data Reporting.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.05, 408.07, 408.08 FS. History—New 1-1-10. Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Kennedy, (850)412-3757

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, AHCA Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NOS.:	RULE TITLES:
59G-7.003	Medicaid Third Party Liability Responsibility and Notices Forms
59G-7.004	Probable Existence of Third-Party Liability Established
59G-7.023	Recovery of Reimbursement – General
59G-7.032	Conflicting Claims by Medicare and Medicaid
59G-7.0322	Small Claim Exception under Paragraph (11)(f) of the MTPLA
59G-7.0331	All Medical Assistance; Medicaid Program Repaid First
59G-7.0332	Settlement Agreements
59G-7.034	Fees of Recipient’s Attorney Required to Seek Reimbursement
59G-7.035	Hospital Third-Party Liability Plan Prompt Repayment
59G-7.051	Benefits under Certain Plans
59G-7.053	Provider Third-Party Liability Audits
59G-7.054	Billing Statement and Medical Records
59G-7.056	Statements as Notice
59G-7.057	Cooperation Required
59G-7.058	Non-cooperation
59G-7.0581	Duty to Inform
59G-7.060	Notice of Proceedings or Claim Settlement and Notice
59G-7.061	Appearance to Provide Information
59G-7.062	Proceeds of Tort Recovery Required to be Held in Trust
59G-7.063	
59G-7.064	
59G-7.073	

PURPOSE AND EFFECT: Repeal rules associated with Medicaid Third Party Liability Program.

SUMMARY: The proposed repeal eliminates certain repetitive or obsolete rules. The rules are either repetitive as the language is in the Medicaid Third-Party Liability Act, Section 409.910, F.S. or reflect obsolete programs. Repeal of these rules will not negatively impact the Medicaid Third Party Liability Program; current operation of the program will not change as a result of these repeals.

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: The rules are either repetitive as the language is in the Medicaid Third-Party Liability Act, Section 409.910, F.S. or reflect obsolete programs. The Agency determined that the repeal of these rules will not impose regulatory costs and will not have an adverse impact on the public.

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

RULEMAKING AUTHORITY: 20.05, 120.53(1)(b), (c), 409.026(1), (6), (8), 409.285, 409.910(21), (22), (23), 409.919 FS.

LAW IMPLEMENTED: 120.52(16), 120.53(1)(b)(c), 120.57, 120.58, 120.68, 409.257, 409.901, 409.902, 409.907, 409.908, 409.910(1), (3), (20), 409.912, 409.913, 409.920(2)(a), (c), 409.285, 624.424(9), 641.261, 641.411, FS.; 42 U.S.C. ss. 1396a(a)(25), (a)(27), (a)(45), 1396k (Social Security Act ss. 1902(a)(25), 1396k (Social Security Act ss. 1902(a)(25), (a)(27), (a)(45), 1912); 42 C.F.R. ss. 433.135-433.140, 447.15, 447.20, 447.21 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 RULES IS: Lee Peacock, Agency for Health Care Administration, Division of Operations, Third Party Liability, Telephone No. (850)412-4139, email lee.peacock@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-7.003 Medicaid Third Party Liability Responsibility and Notices.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.003, Amended 10-3-96, Repealed.

59G-7.004 Forms.

Rulemaking Specific Authority 120.53(1)(b), (c), 409.026(1), (6), (8), 409.910(23), 409.919 FS. Law Implemented 120.52(16), 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.004, Amended 10-3-96, Repealed.

59G-7.023 Probable Existence of Third-Party Liability Established.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910(1), (3) FS. History–New 11-13-91, Formerly 10C-35.023, Amended 10-3-96, Repealed.

59G-7.032 Recovery of Reimbursement – General.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.032, Amended 10-3-96, Repealed.

59G-7.0322 Conflicting Claims by Medicare and Medicaid.

Rulemaking Specific Authority 409.919 FS. Law Implemented 120.53(1)(b), (c), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0322, Amended 10-3-96, Repealed.

59G-7.0331 Small Claim Exception under Paragraph (11)(f) of the MTPLA.

Rulemaking Specific Authority 120.53(1), 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0331, Amended 10-3-96, Repealed.

59G-7.0332 All Medical Assistance; Medicaid Program Repaid First.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.0332, Amended 10-3-96, Repealed.

59G-7.034 Settlement Agreements.

Rulemaking Specific Authority 20.05, 120.53(1)(b), (c), 409.026(8), 409.285, 409.910(23), 409.919 FS. Law Implemented 120.53(1)(b), (c), 120.57, 120.58, 409.285, 409.902, 409.910 FS. History–New 11-13-91, Formerly 10C-35.034, Amended 10-3-96, Repealed.

59G-7.035 Fees of Recipient’s Attorney.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.035, Amended 10-3-96, Repealed.

59G-7.051 Required to Seek Reimbursement.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.051, Amended 10-3-96, Repealed.

59G-7.053 Hospital Third-Party Liability Plan.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.053, Amended 10-3-96, Repealed.

59G-7.054 Prompt Repayment.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.054, Amended 10-3-96, Repealed.

59G-7.056 Benefits under Certain Plans.

Rulemaking Specific Authority 409.026(8), 409.910(21), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS.; 42 U.S.C. ss. 1396a(a)(25), (a)(27), (a)(45), 1396k (Social Security Act ss. 1902(a)(25), (a)(27), (a)(45), 1912); 42 C.F.R. ss. 433.135-433.140, 447.15, 447.20, 447.21. History–New 11-13-91, Formerly 10C-35.056, Repealed.

59G-7.057 Provider Third-Party Liability Audits.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.057, Amended 10-3-96, Repealed.

59G-7.058 Billing Statement and Medical Records.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.058, Amended 10-3-96, Repealed.

59G-7.0581 Statements as Notice.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.0581, Amended 10-3-96, Repealed.

59G-7.060 Cooperation Required.

Rulemaking Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.060, Amended 10-3-96, Repealed.

59G-7.0601 Non-cooperation.

Rulemaking Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.0601, Amended 10-3-96, Repealed.

59G-7.061 Duty to Inform.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.061, Amended 10-3-96, Repealed.

59G-7.062 Notice of Proceedings or Claim.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.062, Amended 10-3-96, Repealed.

59G-7.063 Settlement and Notice.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.063, Amended 10-3-96, Repealed.

59G-7.064 Appearance to Provide Information.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.58, 409.257, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.064, Amended 10-3-96, Repealed.

59G-7.073 Proceeds of Tort Recovery Required to be Held in Trust.

Rulemaking Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.073, Amended 10-3-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Lee Peacock

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.:

59G-8.400

RULE TITLE:

Medicaid Physician Access System

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: The rule is obsolete, unnecessary, and redundant of other statute provisions, federal regulations, and handbook provisions promulgated by rule. Repeal of the rule will not negatively impact the Medicaid Physician Access System. The program will continue to operate in the same manner as it currently operates. The rule is not mandated by statute.

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: The Agency determined that repeal of this rule will not impose any regulatory cost and will not have any adverse impact on the public.

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: 409.919 FS.

LAW IMPLEMENTED: 409.9121, 409.9122 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: Tracy Hurd-Alvarez, AHC Administrator, AHCA PCCM Unit, 2727 Mahan Drive, MS#50, Tallahassee, FL 32308, Telephone (850)412-4004, E-mail: Tracy.Hurd-Alvarez@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.400 Medicaid Physician Access System.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.9121, 409.9122 FS. History—New 6-10-91, Formerly 10C-7.067, Amended 12-18-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tracy Hurd-Alvarez

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.700
RULE TITLE: Child Health Services Targeted Case Management

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Child Health Services Targeted Case Management. The rule will incorporate by reference a new handbook, October 2011.

SUMMARY: The new handbook will include guidelines specific to the Child Health Services Targeted Case Management Program such as definitions, policy, responsibilities, coverage, limitations, and reimbursement.

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: At the time of the analysis of the regulatory impact it was determined that this rule will not require ratification by the Legislature pursuant to Section 120.541(3), 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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, February 21, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, 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: Gail Underwood at the Bureau of Medicaid Services, (850)412-4224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gail Underwood, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4224, e-mail: gail.underwood@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.700 Child Health Services Targeted Case Management.

Individuals enrolled as Child Health Services targeted case managers must be in compliance with the Child Health Services Targeted Case Management Handbook, October 2011, which is incorporated by reference. Medicaid will reimburse only targeted case management services that are provided by enrolled individual treating providers employed or contracted with an enrolled targeted case management group provider or agency. Such enrolled provider or agency is not permitted to subcontract with another provider or agency for service delivery.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Gail Underwood

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2010

AGENCY FOR HEALTH CARE ADMINISTRATION

Psychotherapy Services

RULE NO.: 59GG-33.001
 RULE TITLE: Registration of Mental Health Trainees and Interns

PURPOSE AND EFFECT: This rule will be repealed.
 SUMMARY: The specific authority, Section 490.014(5), F.S., was removed in 1996, therefore revoking the rulemaking authority for Rule 59GG-33.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the fact statutory authority for the rulemaking of Rule 59GG-33.001, F.A.C., no longer exists, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 490.014(5), 491.014(5) FS.
 LAW IMPLEMENTED: 490.014(5), 491.014(5) 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: Marisol Novak, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)412-4434

THE FULL TEXT OF THE PROPOSED RULE IS:

59GG-33.001 Registration of Mental Health Trainees and Interns.

Rulemaking Specific Authority 490.014(5), 491.014(5) FS. Law Implemented 490.014(5), 491.014(5) FS. History–New 2-10-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marisol Novak
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.: 60L-36.002, 60L-36.005
 RULE TITLES: Political Activities, Disciplinary Standards

PURPOSE AND EFFECT: To correct the inadvertent omission of the term “local” when the rule was last amended. The statute specifically mentions local office, so it should be included in Rule 60L-36.002, F.A.C. Also to update Rule 60L-36.005, F.A.C., changes to reflect the deadline for appeal established in Section 110.227(5)(a), F.S., as well as changes from HB 887, which was signed by the Governor on June 10, 2008.

SUMMARY: Stipulating that career service employees may hold local public office if authorized by the agency head and approved by the Department; including an involuntary transfer of more than 50 miles by highway as one of the actions requiring employee notification; and referring to Section 110.227(5)(a), Florida Statutes to identify the number of days for appeal rights.

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: 110.1055, 110.201(1), 110.233(4)(a), 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS.
 LAW IMPLEMENTED: 110.233(4)(a), 110.1221, 110.201, 110.227, 110.403, 110.605 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: February 20, 2012, 10:00 a.m. – 12:00 Noon

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@dms.myflorida.com\

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-36.002 Political Activities.

(1) Section 110.233(4)(a) of the Florida Statutes, prohibits a career service employee from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, a career service employee may be a candidate for or hold local public office when authorized by the agency head and approved by the Department as involving no interest which conflicts or activity which interferes with his or her state employment. The following procedures shall apply to requests for that authorization and approval.

- (a) through (d) No change.
- (2) through (6) No change.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.233(4)(a) FS. Law Implemented 110.233(4)(a) FS. History–New 1-22-02, Amended 5-16-04, _____.

60L-36.005 Disciplinary Standards.

- (1) through (4) No change.

(5) Agencies shall make known to permanent career service employees the procedures specified in Section 110.227, Florida Statutes. Section 110.227(5)(a), Florida Statutes, establishes procedures for suspension, reduction in pay, demotion, involuntary transfer of more than 50 miles by highway, or dismissal of permanent career service employees. An agency taking such action shall, in addition to furnishing notice of intent to take such action, furnish the employee with written notice of final action. The written notice of final action shall advise the employee of appeal rights under Section 110.227(5)(a), Florida Statutes, under any applicable collective

bargaining agreements, and under any other applicable statutory provisions, such as Parts VI or VIII of Chapter 112, Florida Statutes. The ~~fourteen-day~~ deadline for appeal established in Section 110.227(5)(a), Florida Statutes, shall be measured from the date the employee receives the written notice of final action.

Rulemaking Specific Authority 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS. Law Implemented 110.1221, 110.201, 110.227, 110.403, 110.605 FS. History–New 1-22-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Division Director of Human Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-22.006	Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language pertaining to facial specialty training with the intent of placing the language in a separate rule for clarification.

SUMMARY: The rule amendment will remove language pertaining to facial specialty training with the intent of placing the language in a separate rule for clarification.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 477.016, 477.019(2) FS.
 LAW IMPLEMENTED: 477.019(2), 477.0201, 477.023(2) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.006 Facials (Including Skin Care and Hair Removal).

(1) through (6) No change.

~~(7) The curriculum shall also include the performance of the following specified services as indicated as well as the estimated total number of hours needed to complete the required number of services:~~

TYPE OF SERVICE	NUMBER OF SERVICES	HOURS REQUIRED
(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types including normal, oily, dry, combination, problem, and mature	40	40
(b) Set up, use and maintenance of electrical devices	5	1.25
(c) Hair removal, including tweezing, waxing, threading, and sugaring	20	5
(d) Makeup application for both day time and nighttime looks	10	5
(e) Lash and brow tinting	10	5
(f) Eyelash application, including strip lashes, individual lashes, and semi permanent lashes	10	10
(g) Manual Extractions	5	1.25

Rulemaking Authority 477.016, 477.019(2) FS. Law Implemented 477.019(2), 477.0201, ~~477.023(2)~~ FS. History--New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended 7-13-09 (8), 1-2-10 (6), _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.017
 RULE TITLE: Minimum Curriculum for Facial Specialty Training

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to place language clarifying requirements for facial specialty training.

SUMMARY: The new rule will place language clarifying requirements for facial specialty training.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 477.016, 477.019(2) FS.
 LAW IMPLEMENTED: 477.019(2), 477.020 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.017 Minimum Curriculum for Facial Specialty Training

(1) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S. shall include the following hours of instruction in the indicated theory items:

<u>(a) Florida Laws and Rules</u>	<u>5</u>
<u>(b) HIV and AIDS</u>	<u>4</u>
<u>(c) Sanitation</u>	<u>10</u>
<u>(d) Ethics</u>	<u>2</u>
<u>(e) Basics of Electricity</u>	<u>8</u>
<u>(f) Facial Techniques and</u>	<u>66</u>
<u>Contraindications</u>	
<u>(g) Product Chemistry</u>	<u>8</u>
<u>(h) Hair Removal</u>	<u>2.5</u>
<u>(i) Makeup</u>	<u>2</u>
<u>(j) Skin Theory, Disease and Disorders</u>	<u>85</u>
<u>of the Skin</u>	

(2) The curriculum shall also include the performance of the following specified services, as indicated, as well as the estimated total number of hours needed to complete the required number of services:

<u>TOPIC</u>	<u>HOURS</u>
<u>(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types, including normal, oily, dry, combination, problem and mature</u>	<u>40</u>
<u>(b) Set up, use, and maintenance of electrical devices</u>	<u>5</u>
<u>(c) Hair removal, including tweezing, waxing, threading, and sugaring</u>	<u>20</u>
<u>(d) Makeup application for both daytime and nighttime looks</u>	<u>10</u>
<u>(e) Lash and brow tinting</u>	<u>10</u>
<u>(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes</u>	<u>10</u>
<u>(g) Manual extractions</u>	<u>5</u>

(3) Definition of Services: Services shall be a facial client, a client consultation/skin analysis; exfoliation, either manual, mechanical, or chemical; cleansing, toning; manipulations; and packs, masks, or other treatments as needed.

Rulemaking Authority 477.016, 477.019(2) FS. Law Implemented 477.020, 477.019(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: RULE TITLE:

61G14-10.002 Designation of Official Reporter

PURPOSE AND EFFECT: The Board proposes the rule repeal because the choosing of an official reporter is not proper for rule and therefore unnecessary.

SUMMARY: The rule repeal is necessary because the choosing of an official reporter is not proper for rule and therefore unnecessary.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 120.53(1) FS.

LAW IMPLEMENTED: 119.01, 119.07, 120.53(1), (2)(a), (b), (c), (4), 286.011, 310.051 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: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-10.002 Designation of Official Reporter.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 119.01, 119.07, 120.53(1), (2)(a), (b), (c), (4), 286.011, 310.051 FS. History--New 1-19-77, Amended 12-7-78, 12-11-79, 1-28-80, 3-2-81, Formerly 21SS-1.07, Amended 10-21-97, Formerly 21SS-1.007, 21SS-10.002, Amended 10-5-97, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilots Commissioners

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pilots Commissioners

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-15.002 RULE TITLE: Marine Incident Report Form

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule is a substantial re-statement of Chapter 310, Florida Statutes.

SUMMARY: The rule repeal is necessary because the rule is a substantial re-statement of Chapter 310, Florida Statutes.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 120.53(1), 310.185 FS.

LAW IMPLEMENTED: 120.53(1), 310.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.002 Marine Incident Report Form.

Rulemaking Specific Authority 120.53(1), 310.185 FS. Law Implemented 120.53(1), 310.111 FS. History--New 10-4-77, Amended 12-7-78, Formerly 21SS-8.05, Amended 5-31-87, 8-20-89, 12-24-89, Formerly 21SS-8.005, 21SS-15.002, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilots Commissioners

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pilots Commissioners

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.705 RULE TITLE: St. Lucie Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliform in the St. Lucie Basin.

SUMMARY: These TMDLs address fecal coliform impairments in the St. Lucie Basin. Specifically, the TMDL rules being proposed for adoption are for the St. Lucie River (North Fork) and Tenmile Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop these TMDLs was the percent reduction method. This rulemaking has been given an OGC case number 11-0654.

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 been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.705 St. Lucie Basin TMDLs.

(1) through (9) No change.

(10) St. Lucie River (North Fork). The TMDL for the St. Lucie River (North Fork) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) Tenmile Creek. The TMDL for the Tenmile Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 81 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 81 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 3-26-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.710 RULE TITLE: Loxahatchee Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for fecal coliform in the Loxahatchee Basin.

SUMMARY: This TMDL addresses fecal coliform impairment in the Loxahatchee Basin. Specifically, the TMDL rule being proposed for adoption is for the Southwest Fork Loxahatchee. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C., The methodology used to develop this TMDL was the percent reduction method. This rulemaking has been given an OGC case number 11-0655.

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 been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.710 Loxahatchee Basin TMDLs.

(1) Southwest Fork Loxahatchee. The TMDL for the Southwest Fork Loxahatchee is 43 counts/100mL for fecal coliform, and is allocated as follows:

(2) The wasteload allocation (WLA) for the Loxahatchee Environmental Control District (Permit # FL0034649) is its National Pollutant Discharge Elimination System (NPDES) permit conditions.

(3) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 91 percent reduction of sources contributing to exceedances of the criteria.

(4) The load allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 91 percent reduction of sources contributing to exceedances of the criteria, and

(5) The Margin of Safety is implicit.

(6) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.715
 RULE TITLE: Lake Worth Lagoon Basin TMDLs
 PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for fecal coliforms in the Lake Worth Lagoon Basin.

SUMMARY: This TMDL addresses fecal coliform impairment in the Lake Worth Lagoon Basin. Specifically, the TMDL rule being proposed for adoption is for the E-1 Canal. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C. The methodology used to develop this TMDL was the percent reduction method. This rulemaking has been given an OGC case number 11-0656.

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 been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result

of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.715 Lake Worth Lagoon Basin TMDLs.

(1) E-1 Canal. The TMDL for E-1 Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(2) The wasteload allocation (WLA) for wastewater sources is not applicable.

(3) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentration meets the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2008 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(4) The load allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentration meets the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2008 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(5) The Margin of Safety is implicit.

(6) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.725
RULE TITLE: Southeast Coast Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliform impaired waters in the Southeast Coast Basin.

SUMMARY: These TMDLs address fecal coliform impairments in the Southeast Coast Basin. Specifically, the TMDL rules being proposed for adoption are for the C-14 (Cypress Creek Canal), the C-13 West (Middle River Canal), the C-13 East (Middle River Canal), the C-12, the New River (North Fork), the New River Canal (South), the North New River, the Dania Cut-off Canal, the South New River Canal (C-11), the C-11 East, the Las Olas Isles Finger Canal System, the C-8 (Biscayne) Canal, the C-7 (Little River) Canal, the C-6 (Miami River), the C-6 (Miami River) Lower Segment, and the C-6 (Miami) Canal. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C. The methodology used to develop these TMDLs was the percent reduction method. This rulemaking has been given an OGC case number 11-0657.

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 been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The adoption of these rules will not adversely impact the local economy or competitiveness of businesses in the State of Florida.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: March 1, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.725 Southeast Coast Basin TMDLs.

(1) Wagner Creek Fecal Coliform TMDL. The fecal coliform Total Maximum Daily Load for Wagner Creek is 400 counts/100 mL, and is allocated as follows:

(a) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria,

(b) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

~~(d)(2)~~ While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of these TMDLs to abate natural background conditions.

(2) C-14 (Cypress Creek Canal). The TMDL for C-14 (Cypress Creek Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) C-13 West (Middle River Canal). The TMDL for the C-13 West (Middle River Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 22 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(4) C-13 East (Middle River Canal). The TMDL for the C-13 East (Middle River Canal) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) C-12. The TMDL for the C-12 is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2003 and 2010 period, will require a 52 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 52 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(6) New River (North Fork). The TMDL for the New River (North Fork) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) New River Canal (South). The TMDL for the New River Canal (South) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(8) North New River. The TMDL for the North New River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(9) Dania Cut-off Canal. The TMDL for the Dania Cutoff Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 78 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2003 and 2010 period, will require a 78 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(10) South New River Canal (C-11). The TMDL for the South New River Canal (C-11) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 31 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) C-11 East. The TMDL for the C-11 East is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 93 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 93 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(12) Las Olas Isles Finger Canal System. The TMDL for the Las Olas Isles Finger Canal System is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(13) C-8 (Biscayne) Canal. The TMDL for the C-8 (Biscayne) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from

both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) C-7 (Little River) Canal. The TMDL for the C-7 (Little River) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(15) C-6 (Miami River). The TMDL for the C-6 (Miami River) is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(16) C-6 (Miami River) Lower Segment. The TMDL for the C-6 (Miami River) Lower Segment is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 80 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 80 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) C-6 (Miami) Canal. The TMDL for the C-6 (Miami) Canal is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 and 2010 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 5-1-07, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-2.002 RULE TITLE: Information Required Upon Renewal
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 64B-2.002, F.A.C., was identified during the comprehensive rule review as containing requirements that duplicate statutory language, and thus appropriate for repeal. There are no other rules incorporating this rule.

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: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., 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: 456.004, 456.044 FS.
LAW IMPLEMENTED: 456.039, 456.0391, 458.319, 459.008, 460.407, 461.007 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: Lola Pouncey, Chief, Bureau of Operations, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #BCO-01, Tallahassee, Florida 32399-3260, Telephone: (850)245-4064

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-2.002 Information Required Upon Renewal.

Rulemaking Specific Authority 456.004, 456.044 FS. Law Implemented 456.039, 456.0391, 458.319, 459.008, 460.407, 461.007 FS. History--New 9-2-01, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lola Pouncey, Bureau Chief
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-4.003 RULE TITLE: Office Surgery Registration Requirements, Fees

PURPOSE AND EFFECT: This amendment is to update the forms incorporated by reference in the rule and to make the electronic versions of the forms more user friendly.

SUMMARY: This rule amendment adopts the revised forms for office surgery registration.

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: The amendment of this rule has no impact and imposes no costs whatsoever.

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: 456.004, 458.309(3), 459.005(2) FS.
LAW IMPLEMENTED: 456.0635, 458.309(3), 459.005(2) 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: LaShonda Cloud, Regulatory Specialist, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, (850)245-4131

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.003 Office Surgery Registration Requirements, Fees.

(1) Registration Requirements.

(a) Every office performing surgery as defined in Sections 458.309(3) and 459.005(2), F.S., must register and maintain a valid registration with the Department of Health. To register, an office must submit Form #DH-MQA 1031, Office Surgery Registration Application for medical physicians or Form #DH-MQA 1071, Office Surgery Registration Application for osteopathic physicians to the Department. Form #DH-MQA 1031, revised August 2011 effective January 2010 and Form #DH-MQA 1071, revised August 2011 effective January 2010, are adopted and incorporated by reference, and can be obtained at and from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399 or at http://www.doh.state.fl.us/mqa/medical/osr_home.html or http://www.doh.state.fl.us/mqa/osteopath/osr_home.html.

(b) No change.

(2) No change.

Rulemaking Authority 456.004, 458.309(3), 459.005(2) FS. Law Implemented 456.0635, 458.309(3), 459.005(2) FS. History—New 7-12-04, Amended 5-16-06, 5-12-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joy Tootle

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D. Ph.D, FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
 RULE TITLE: Minimum Requirements for Board Approved Massage Schools

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish a standard for success on the approved national examinations in order to assist Florida citizens in achieving licensure after substantial expenditure in completing the required education.

SUMMARY: This rule amendment will establish a standard for success on the approved national examinations in order to assist Florida citizens in achieving licensure after substantial expenditure in completing the required education.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.003 Minimum Requirements for Board Approved Massage Schools.

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) through (b) No change.

(c) An approved program must achieve a graduate passage rate that is not lower than 10 percentage points less than the average passage rate for graduates of comparable degree programs who are first-time test takers on the Board approved exam during a calendar year, as calculated by the contract testing service of the Board approved exam vendor.

(d)(e) Apply directly to the Board of Massage Therapy and provide the following information:

- 1. Sample transcript and diploma; and
- 2. Copy of curriculum, catalog or other course descriptions;

~~3. Faculty credentials; and~~

~~4. Proof of licensure by the Department of Education.~~

(2) No change.

(3) Board of Massage Therapy approval shall be withdrawn or other action taken if the massage school, which it regulates under Chapter 480, F.S., and this rule:

(a) through (d) No change;

(4) A Board of Massage Therapy-approved school must notify the Board of Massage Therapy within 90 days of:

(a) Changes in curriculum; and

~~(b) Changes in faculty or staff, including submission of the credentials of new faculty; and~~

~~(b)(e) Changes in address.~~

(5) No change.

(6) If a massage school is alleged to have violated any provision of Chapter 480, F.S., Rule Chapter 64B7, F.A.C., or part therein:

(a) The Board shall inform the school of any alleged violations in writing:

(b) Beginning with graduate passage rates for calendar year 2013:

1. If an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board may place the program on probationary status pursuant to Chapter 120, F.S., and may require the program director to appear before the board to present a plan for remediation. If the program is placed on probationary status the program shall remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year.

2. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its regularly scheduled meeting following release of the program's graduate passage rate by the Board approved testing vendor, shall remove the program's probationary status. However, if the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board shall terminate the program pursuant to Chapter 120, F.A.C.

(c) The school shall respond in writing and/or request to appear before the Board at the next scheduled meeting to explain any mitigating factors:

(d) If the Board determines that a school is in noncompliance, it may impose one of the following:

1. Corrective action required which shall include the time period in which the school must comply; or

2. Withdrawal of Board approval.

(e) The Board shall inform the Florida Department of Education or if an out of state school, the equivalent licensing authority, of the action taken.

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History--New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, 10-30-07, 4-25-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-25.130 Executive Director

PURPOSE AND EFFECT: The Board proposes to repeal the rule because it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

SUMMARY: The rule will be repealed due to the fact that it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 465.005 FS.

LAW IMPLEMENTED: 48.111(2), 456.004, 456.009 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.130 Executive Director.

Rulemaking Specific Authority 465.005 FS. Law Implemented 48.111(2), 456.004, 456.009 FS. History—New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, 11-2-03, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-29.003
 RULE TITLE: Drug Requirement

PURPOSE AND EFFECT: The Board proposes to repeal the rule because it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

SUMMARY: The rule will be repealed due to the fact that it duplicates what is otherwise provided for in statute or is otherwise procedural and unnecessary in nature.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.003 Drug Requirement.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History—New 10-17-79, Formerly 21S-14.03, Amended 4-24-88, Formerly 21S-14.003, 21S-29.003, 61F10-29.003, 59X-29.003, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines, minor violations and citations.

SUMMARY: The guidelines, minor violations and citations will be updated.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees ~~practitioners~~ guilty of violating Chapter 465,

F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465, F.S. The term license means any permit, registration, certificate, or license, including a provisional license, issued by the Department. The minimum penalty range is based upon a first time single count violation of each provision listed. The maximum penalty range is based upon multiple or repeated violations of the same provision of Chapter 465, F.S., or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Obtaining a license by misrepresentation fraud or error (Section 465.016(1)(a), F.S.) (Section 465.023(1)(a), F.S.)	<u>Revocation</u>	Revocation
(b) Procuring a license through false representation (Section 465.016(1)(b), F.S.) (Section 465.023(1)(b), F.S.)	<u>Revocation</u>	Revocation
(c) Permitting unlicensed persons to practice pharmacy (Section 465.016(1)(c), F.S.)	<u>\$2,500 fine and 12 hours Laws & Rules course or Multistate Pharmacy Jurisprudence Exam (MPJE)</u>	<u>Revocation \$5,000 and one (1) year suspension</u> and one (1) year suspension
(d) Being unfit or incompetent to practice pharmacy (Section 465.016(1)(d), (m), F.S.)	<u>\$250 fine, indefinite suspension with PRN review and board appearance</u>	Revocation or, at the licensee's discretion, voluntarily relinquishment with reinstatement under the terms and conditions approved by the board
(e) Violating laws governing the practice of pharmacy (Section 465.016(1)(e), F.S.) (Section 465.023(1)(c), F.S.) 1. Chapter 465, F.S.:		
a. Failure to supervise pharmacy technician (Section 465.014, F.S.)	<u>\$250-500 fine and one (1) year probation and 12 hour Laws & Rules Course or MPJE</u>	<u>Revocation \$5,000 and one (1) year suspension</u>
b. Operating a pharmacy without a permit (Section 465.015(1)(a), F.S.)	<u>\$500 per month to maximum of \$5,000 (penalty will require permittee to renew permit or cease practice)</u>	Revocation <u>(if no permit exists, refer to State's Attorney)</u>

c. Operating a pharmacy where an unlicensed and unsupervised person practices pharmacy (Section 465.015(1)(b), F.S.)	\$5,000 fine and one (1) year probation	Revocation \$5,000 and one (1) year suspension
d. Making a false or fraudulent statement to the board (Section 465.015(2)(a), F.S.)	\$5,000 fine	Revocation
e. Practicing pharmacy as an inactive licensee (Section 465.015(2)(b), F.S.)	Fine based on length of time in practice while inactive; \$500 \$200/month	Revocation or \$5,000 maximum (penalty will require license to renew license or cease practice)
f. Selling or dispensing drugs without a prescription (Section 465.015(2)(c), F.S.)		
(i) Non-scheduled legend drugs	\$1,500 fine	Revocation \$5,000 and one (1) year suspension
(ii) Scheduled (controlled substances) legend drugs	\$5,000 fine and one (1) year probation	Revocation
g. Selling samples or complimentary drugs (Section 465.015(2)(d), F.S.)		Same as violation of 465.015 (2)(c) F.S. (see sub subparagraph 64B16-30.001, F.A.C. (2)(e)1.f, F.A.C., above)
(i) Non-scheduled legend drugs	\$1,500 fine	Revocation
(ii) Scheduled (controlled Substances) legend drugs	\$5,000 fine and one (1) year probation	Revocation
h. Failure to notify the board of or not to have a prescription department manager or consultant pharmacist Sections 465.018, 019, 0193, 0196, or 0197, F.S. (Section 465.022(4), F.S.)		
(i) Failure to notify (Section 465.018, F.S.)	Fine based on length of time prior to notifying board. \$500 \$200 per month	\$7,500 \$5,000 maximum (penalty requires notification or ceasing practice)
(ii) Failure to have prescription department manager or consultant pharmacist of record	Fine based on length of time prior to notifying board, \$750 per month and one (1) year probation \$2,500 fine and one (1) year probation	Revocation of permit
i. Failure to comply with required substitution of legend drug requirements (Section 465.025, F.S.)	\$500 fine and 12 hour Laws & Rules Course or MPJE, \$1,000 fine	\$2,500 fine
j. Failure to follow negative formulary requirements (Section 465.025(6), F.S.) 64B16-27.500, F.A.C.	\$1000 fine and 12 hours Laws & Rules Course or MPJE Reprimand	\$2,500 fine and one (1) year probation
k. Failure to follow emergency prescription requirements (Section 465.0275, F.S.)	\$500 fine	\$1,000 fine and one (1) year probation
l. Engage in prohibited rebate scheme (Section 465.185, F.S.)	\$1,500 fine	Revocation \$5,000 fine and one (1) year probation
m. Failure to comply with pharmacist dispensing requirements (Section 465.186, F.S.)		
(i) Failure to follow procedure, but dispense drug appearing on formulary (Section 465.186(3), F.S.) 64B16-27.210, F.A.C.	\$500 fine Reprimand	\$1,000 fine, one (1) year probation and suspension of right to dispense

(ii) Dispensing drug not on the formulary (Section 465.186(2), F.S.) 64B16-27.220, F.A.C. 64B16-27.230, F.A.C.	<u>\$1,500 fine</u>	Revocation Same as violation of 465.015(2)(e), F.S. (see sub-subparagraph 64B16-30.001(2)(e)1.f., F.A.C., above)
<u>n. Committing error or omission in performance of a specific function of prescription drug processing</u> (Section 465.016(1)(t), F.S.)	<u>\$250</u>	<u>Revocation</u>
2. Chapter 499, F.S. a. Adulteration of a drug (Section 499.005(2), (3), F.S.) (Section 499.006, F.S.) b. Misbranding a drug (Section 499.005(2), (3), F.S.) (Section 499.007, F.S.) (i) Incomplete or inaccurate labeling (Section 499.007, F.S.) 64B16-28.108, F.A.C. (ii) Fraudulent misbranding of legend drugs (499.007, F.S.)	<u>\$1,000 fine</u> \$2,000 fine and one (1) year probation <u>\$250</u> \$1,000 fine and 12 hour Laws & Rules Course or MPJE <u>\$2,500 fine and</u> One (1) year suspension	Revocation \$2,500 fine and one (1) year probation Revocation
<u>c. Prescriptions Drug Pedigree</u>	<u>\$500 fine and 12 hour Laws & Rules Course or MPJE</u>	<u>Revocation</u>
<u>d. Recordkeeping requirement</u>	<u>\$500 fine and 12 hour Laws & Rules Course or MPJE</u>	<u>Revocation</u>
<u>e. Storage of drugs</u>	<u>\$500 fine and 12 hour Laws & Course or MPJE</u>	<u>Revocation</u>
3. Chapter 893, F.S. (Controlled substances) a. <u>Filling a prescription for controlled substances that does not meet the requirements of Chapter 893, F.S.</u> a. <u>Filling a prescription not appropriately signed</u> (Section 893.04(1)(b), F.S.) b. <u>Filling an improper prescription (other</u> 64B16-30.001(2)(c)3, F.A.C. 64B16-30.001(2)(c)3, F.A.C. above) (893.04(1)(b), (c), F.S.) b.e. <u>Failing to retain prescription records for two (2) years</u> (Section 893.04(1)(d), F.S.)	<u>\$1,500</u> <u>\$1,500 fine</u> <u>\$1,000 fine</u>	<u>\$5,000 fine and one (1) probation</u> <u>\$5,000 fine and one (1) year suspension</u> <u>Revocation \$2,500 fine and one (1) year probation</u>
c.d. <u>Failing to appropriately label</u> (Section 893.04(1)(e), F.S.) d.e. <u>Dispensing a Schedule II drug inappropriately with a non-written prescription</u> (Section 893.04(1)(f), F.S.)	<u>\$250</u> \$500 fine and 12 hour Laws & Rules course or MPJE <u>\$5,000</u> \$2,500 fine and one (1) year probation	<u>\$2,500</u> \$1,000 fine and one (1) year probation <u>Revocation \$5,000 fine and one (1) year probation</u> (for dispensing without a prescription see sub-subparagraph 64B16-30.001, F.A.C. (2)(e)1.f., F.A.C., above) One (1) year suspension
e.f. <u>Inappropriate refilling of Schedule III, IV, or V drugs</u> (Section 893.04(1)(g), F.S.) f.g. <u>Receiving controlled substances without an appropriate order form</u> (Section 893.06(1), F.S.) g.h. <u>Unlawful possession of controlled substances</u> (893.06(2), F.S.) h.i. <u>Failure to take a biennial inventory</u> (893.07(1)(a), (2), (3), (4), (5), F.S.) i.j. <u>Failure to maintain a complete and accurate record of controlled substances</u> (893.07(1)(b), (2), (3), (4), (5), F.S.) j.k. <u>Dispensing controlled substances in other than good faith</u> (Section 893.08(3)(b), F.S.)	<u>\$1,750 fine and one (1) year probation</u> <u>\$2,500</u> \$1,500 fine <u>\$2,500 fine and one (1) year probation</u> <u>\$1000 fine</u> <u>\$1,000 fine and one (1) year probation</u> <u>\$5,000</u> \$2,500 fine and one (1) year probation	<u>Revocation \$5,000 fine and one (1) year probation</u>

k. Inappropriate selling of Schedule V controlled substance (Section 893.08(3)(c), F.S.)	\$1,500 fine and one (1) year probation	One (1) year suspension
l.m. Unlawful possession of controlled substance (Section 893.13, F.S.)	\$5,000 \$2,500 fine and two (2) one (1) years probation	Revocation
4. Violation of Federal Drug Abuse Act 21 U. S. C. 821 et seq.	\$500 \$1,000 fine and one (1) year probation	Revocation \$5,000 fine and one (1) year suspension
(f) Criminal conviction related to pharmacy (Section 465.016(1)(f), F.S.) (Section 465.023(1)(d), F.S.)	Misdemeanor \$1,000 fine	\$5,000 fine, one (1) year suspension and two (2) years probation
(i) <u>Misdemeanor</u>	<u>\$1,000 fine</u>	<u>Revocation</u>
(ii) <u>Felony:</u>	One (1) year suspension, two (2) years probation & \$5,000 fine	Revocation
(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in 465.019(6), F.S., or 465.025, F.S., or compounding, dispensing or distributing legend drugs outside professional practice of pharmacy (465.016(1)(g), F.S.) (465.016(1)(i), F.S.)	<u>\$250 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours</u> \$1,000 fine and one (1) year probation	Revocation
(h) Filing a false report or failing to file a report required by law		
1. Knowing violation	\$2,000 fine and one (1) year probation	Revocation
2. Negligent violation	Reprimand	One (1) year probation and \$1,000 fine
(i) Failure to make prescription price information available (Section 465.016(1)(k), F.S.)	<u>\$250 fine and 12 hour Laws & Rules Course or MPJE</u> Letter of guidance	\$1,000 fine and one (1) year probation
(j) Improperly placing returned drugs into the stock of a pharmacy (Section 465.016(1)(l), F.S.)	\$1,500 fine	\$3,000 fine and one (1) year probation
(k) Violating a rule or order of the board or Department (Section 465.016(1)(n), F.S.)		
1. Rules of Board of Pharmacy		
a. 64B16-28.101 to	<u>\$500</u> \$1,000 fine and <u>12 hour</u> 104	One (1) year probation and \$2,000 fine
64B16-28.103	<u>Laws & Rules or MPJE</u>	
64B16-27.100		
64B16-28.106		
64B16-28.107		
64B16-28.109		
64B16-27.103		
64B16-28.111		
64B16-27.104		
64B16-26.400		
64B16-26.203 401		
64B16-28.108 1404		
64B16-26.301		
64B16-28.114		
64B16-27.105		
<u>64B16-27.211</u>		
<u>64B16-28.113</u>		
<u>64B16-28.2021</u>		
<u>64B16-28.603</u>		
All other rules		
b. 64B16-28.102 105 (sanitation)	Suspension until compliance	Revocation

c. 64B16-27.101(counterfeit drugs)	\$1,000 fine for dispensing	Revocation Same as penalty for adulterated drugs (see subparagraph 64B16-30.001(2)(e)2., F.A.C.)
d. 64B16-28.110 (outdated pharmaceuticals)	\$500 fine for possession \$1,000 fine for dispensing	Revocation One (1) year probation and \$2,000 fine (if drugs dispensed, one (1) year suspension)
e. 64B16-28.301, 64B16-28.303 (destruction of controlled substances) 64B16-28.112 (violations)	\$500 fine and 12 hour laws and rules or MPJE	Revocation Same as underlying statutory or rule violation
f. 64B16-26.300 (Serving as consultant pharmacist without being licensed as a consultant pharmacist)	\$500 per month up to a \$5,000 fine maximum (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist)	Revocation One (1) year suspension of pharmacist license
g. 64B16-28.140 and 64B16-28.150 (Data processing systems)	\$1,000 fine	Revocation \$5,000 fine and two (2) years probation
h. 64B16-28.120 (Location of legend drugs)	\$1,000 fine	Revocation \$5,000 fine and two (2) years probation
i. <u>Tendering a check payable to the Board of Pharmacy or to the Department of Health that is dishonored by the institution upon which it is drawn</u> 64B16-28.900, 64B16-28.901, 64B16-28.902 (Nuclear pharmacy)	\$500 and 12 hours Laws and Rules or MJPE	\$1000 fine plus payment of the check within 30 days
j.(i) <u>Practicing nuclear pharmacy without being licensed as a nuclear pharmacist pharmacy (Section 64B16-26.303 28.903, F.A.C.)</u>	\$500 per month up to \$5000 fine (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist) \$1,000 fine and one (1) year probation	Revocation of pharmacist's license or permit
k.(ii) <u>Failure to follow technical requirements (64B16-28.901 and 64B16-28.902, F.A.C.)</u>	One (1) year probation and \$1,000 fine	Revocation of license of practice nuclear pharmacy
l.j- <u>64B16-28.202 and 64B16-28.203 (transfer of prescription files and drugs)</u>	\$1,500	Revocation of permit
m. <u>Failure to complete the required continuing education during the biennial licensure period.</u>		
1. <u>Failure to complete less than ten (10) hours</u>	\$500	\$1,500
2. <u>Failure to complete ten (10) or more hours</u>	\$1,000	\$2,500
<u>In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.</u>		
n. <u>Failure to maintain program requirements for certification, training, or continuing education programs or providers.</u>	\$500	Revocation
o. <u>Failure to retain continuing education records.</u>	\$250	\$1,500
p. <u>Failure to practice in accordance with established practice standards</u>		
1. <u>Pharmacist</u>	\$500	Revocation
2. <u>Pharmacy Technician</u>	\$250	Revocation
3. <u>Pharmacy Intern</u>	\$250	Revocation
4. <u>Permittee</u>	\$500	Revocation
q. <u>Failure to have current policies and procedures</u>	\$500	Revocation
r. <u>Failure to have or maintain standards for an automated fill system in a community pharmacy</u>	\$500 and 12 hours Laws & Rules MJPE	Revocation
s. <u>Failure to have or maintain standards for an institutional, special, or central fill pharmacy</u>	\$500 and 12 hour Laws & Rules or MJPE	Revocation
t. <u>Failure to maintain standards for animal control shelters.</u>	\$500	Revocation

2. Violation of orders of Board or Department	\$2,500 fine and one (1) year probation	Revocation
(l) License disciplined by another jurisdiction (Section 465.016(1)(h), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(m) Failure to comply with the Board’s rule on patient counseling (64B16-27.800, 64B16-27.810, 64B16-27.820)	\$750 fine	\$2,500 fine and one year probation
(n) Violation 465.018 by and through 456.016 and 465.023, F.S.	<u>Penalty as closely as possible to those set forth in the Disciplinary Guidelines</u>	<u>Penalty as closely as possible to those set forth in the Disciplinary Guidelines</u>
(o) Violating 456.072, F.S.		
1. Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee’s profession.	\$1,500 \$2,500 fine and one (1) year probation	<u>Revocation</u> \$5,000 fine and one (1) year probation
2. Intentionally violating any rule adopted by the Board or the Department, as appropriate.	\$2,500 \$1,500 fine and two (2)	<u>Revocation</u> \$2,500 fine and one (1) year probation
3. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee’s profession.	one (1) years probation	\$5,000 fine and one (1) year suspension
<u>(i) Misdemeanor</u>	Misdemeanor: \$1,000 fine	
<u>(ii) Felony</u>	Felony: \$3,000 fine and one (1) year probation	
<u>(i) Misdemeanor</u>	<u>\$1,000 fine</u>	<u>Revocation</u>
<u>(ii) Felony</u>	<u>\$3,000 fine and one (1) year probation</u>	<u>Revocation</u>
4. Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome, <u>or medical errors</u>	\$500 fine	\$1,000 fine
5. Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority’s acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the licensee, shall be construed as action against the licensee.	<u>Same penalty as imposed in other jurisdiction or as closely as possible to penalties for similar violation</u>	<u>Same penalty as imposed in other jurisdiction or as closely as possible to penalties for similar violation</u>
6. Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.	\$3,000 fine	<u>Revocation</u> \$5,000 fine and six (6) month suspension
7. Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board	Revocation <u>or denial of license application</u>	
8. Except as provided in Section 456.016, F.S., failing to report to the Department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the Department or the Board.	\$500 fine and one (1) year probation	<u>Revocation</u> \$1,000 fine and two (2) years probation
9. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the Department or the Board	\$2,000 fine	<u>Revocation</u> \$5,000 fine and one (1) year suspension
10. Failing to perform any statutory or legal obligation placed upon the licensee	\$2,000 fine	<u>Revocation</u> \$5,000 fine and one (1) year probation

<p>11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.</p>	<p>\$2,500 \$3,000 fine and two (2) years probation</p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or a scheme in or related to the practice of a profession.</p>	<p>\$10,000 fine and two (2) years probation</p>	<p>Revocation \$10,000 fine and one (1) year suspension</p>
<p>13. Exercising influence on the patient or client for the purpose of financial gain or the licensee or a third party</p>	<p>\$3,000 fine and two (2) years probation</p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.</p>	<p>\$2,000 fine and two (2) years probation</p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>15. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</p>	<p>\$2,000 fine and two (2) years probation</p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>16. Violating any provision of this part, the applicable professional practice act, a rule of the Department or the Board, or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department</p>	<p>\$1,000 fine</p>	<p>Revocation \$5,000 fine and two (2) years probation</p>
<p>17. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding</p>	<p>\$2,500 fine and two (2) years probation</p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>18. Failing to report to the Board in writing within 30 days after the licensee has been convicted or found guilty or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</p>	<p>\$1,000 fine</p>	<p>Revocation \$2,500 fine and one (1) year probation</p>
<p>19. Testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.</p>	<p>\$1,500 \$2,500 fine <u>PRN evaluation</u> and two (2) years probation <u>or compliance with PRN contract</u></p>	<p>Revocation \$5,000 fine and one (1) year suspension</p>
<p>20. Being terminated from or failing to successfully complete an impaired practitioners treatment program (Section 456.072(1)(hh), F.S.)</p>	<p>Suspension until successful completion or receipt of written confirmation of compliance with ongoing treatment and a fine of up to \$1,000</p>	<p>Revocation</p>
<p><u>21. Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (456.072(1)(ii), F.S.)</u></p>	<p><u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u></p>	
<p><u>22. Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (456.072(1)(jj), F.S.)</u></p>	<p><u>From a letter of concern to probation, and a fine of \$500 to \$5,000.</u></p>	<p><u>From a reprimand to revocation, and a fine of \$2,500 to \$5,000.</u></p>
<p><u>(23) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program. (456.072(1)(kk), F.S.)</u></p>	<p><u>From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.</u></p>	<p><u>From a reprimand to revocation, and a fine of \$5,000 to \$10,000.</u></p>
<p><u>(24) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (456.072(1)(ll), F.S.)</u></p>	<p><u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u></p>	

(3) No change.

(4) All fines imposed by the Board shall be paid within a period of ~~ninety (90) thirty (30)~~ days from the date of the final ordered entered by the Board. This time limitation may be modified by the Board for good cause shown in order to prevent undue hardship.

Rulemaking Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History–New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Certified Master Social Workers

RULE NOS.:	RULE TITLES:
64B25-28.001	Collection and Payment of Fees
64B25-28.003	Examination Fee
64B25-28.005	Re-examination Fee
64B25-28.006	Initial Certification Fee

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

SUMMARY: Rules 64B25-28.001, .003, .005, .006, F.A.C., were identified during the comprehensive rule review as containing language that is duplicative of other rule and statutory language, and thus appropriate for repeal. There are no other rules incorporating these rules.

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: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., 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: 456.017, 456.017(2), 491.0145, 491.015 FS.

LAW IMPLEMENTED: 456.017, 456.017(2), 491.0145 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 RULES IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #BC-08, Tallahassee, Florida 32399-3299, Telephone: (850)245-4460

THE FULL TEXT OF THE PROPOSED RULES IS:

64B25-28.001 Collection and Payment of Fees.

Rulemaking Specific Authority 491.0145, 491.015 FS. Law Implemented 491.0145 FS. History–New 12-10-90, Formerly 21-28.001, 61-28.001, 59FF-28.001, Repealed _____.

64B25-28.003 Examination Fee.

Rulemaking Specific Authority 491.0145 FS. Law Implemented 491.0145 FS. History–New 12-10-90, Formerly 21-28.003, 61-28.003, 59FF-28.00, Repealed _____.

64B25-28.005 Re-examination Fee.

Rulemaking Specific Authority 491.015, 456.017(2) FS. Law Implemented 491.0145, 456.017(2) FS. History–New 12-10-90, Formerly 21-28.005, 61-28.005, 59FF-28.005, Repealed _____.

64B25-28.006 Initial Certification Fee.

Rulemaking Specific Authority 456.017 FS. Law Implemented 456.017 FS. History–New 12-10-90, Formerly 21-28.006, 61-28.006, 59FF-28.006, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.:	RULE TITLE:
64E-18.005	Notifications of Changes

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

SUMMARY: Rule 64E-18.005, F.A.C., was identified during the comprehensive rule review as containing requirements that duplicate statutory language, and thus appropriate for repeal. There are no other rules incorporating this rule.

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: The repeal of these rules will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., 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: 381.0011, 381.0101(4), 381.0101(5) FS.

LAW IMPLEMENTED: 381.0101(5) 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: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, Telephone: (850)245-4444, extension 2454

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-18.005 Notifications of Changes.

Specific Authority 381.0011, 381.0101(4), (5) FS. Law Implemented 381.0101(5) FS. History—New 9-21-94, Formerly 10D-123.005, Amended 8-21-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David B. Wolfe, Environmental Health Consultant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2011

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-28.001	Scope of Chapter Rules
64E-28.002	Definitions
64E-28.003	Licensure Requirements for a Tattoo Artist
64E-28.004	Registration Requirements for a Guest Tattoo Artist
64E-28.005	Licensure Requirements for a Tattoo Establishment
64E-28.007	Operational Requirements for a Tattoo Establishment
64E-28.008	Operational Requirements for a Temporary Tattoo Establishment
64E-28.009	Standards of Practice for a Tattoo Artist or Guest Tattoo Artist
64E-28.010	Forms
64E-28.011	Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the requirements for tattoo artists and tattoo establishments as specified in Sections 381.00771-.00791, F.S., which passed during the 2010 Legislative Session.

SUMMARY: This proposed rule chapter will provide the minimum standards relating to the practice of tattooing including definitions; licensure requirements for tattoo artists, guest tattoo artists, and establishments; educational requirements; operational requirements for tattoo establishments; standards of practice for a tattoo artists and guest tattoo artists; forms; and fee schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the agency.

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

RULEMAKING AUTHORITY: 381.00789 FS.

LAW IMPLEMENTED: 381.00771-381.00791 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 RULES IS: Gina Vallone-Hood, Environmental Manager, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-28.001 Scope of Chapter Rules.

These rules provide minimum standards relating to tattoo artists and tattoo establishments.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00787, 381.00791 FS. History–New _____.

64E-28.002 Definitions.

(1) Alcohol-based hand sanitizer – An antimicrobial skin sanitizer which contains a minimum concentration of at least 60% alcohol.

(2) Aseptic technique – Practices used by a tattoo artist to prevent cross contamination.

(3) Compromised package – A wet, torn, or stained package.

(4) Contaminated – means the presence of disease-causing organisms on inanimate objects or surfaces.

(5) Cross contamination – The act of spreading disease-causing organisms from one surface to another.

(6) Disinfect – The use of a product registered with the United States Environmental Protection Agency (USEPA) as a tuberculocidal disinfectant which results in the reduction in the number of disease-causing organisms on objects or surfaces, thereby rendering them safe for handling and use.

(7) Fixed – Incapable of being moved.

(8) Inactive license – A tattoo establishment or artist license which has not been renewed by October 1.

(9) Minor – An individual who is less than eighteen (18) years of age.

(10) Person – Any individual, partnership, corporation, association, or public body.

(11) Registered business name – The name under which a tattoo establishment operates.

(12) Registered agent for service of process – A person authorized by a tattoo establishment to receive legal notices for the establishment.

(13) Single-use – means products or items that are intended for one-time, one-person use and are disposed of after use on each customer, such as cotton swabs or balls, gauze pads, tissues or paper products, sanitary coverings, razors, instruments that pierce the skin, and protective gloves.

(14) Spore strip – A device used to monitor the sterilization process in a steam autoclave to ensure destruction of *Geobacillus stearothermophilus* spores.

(15) Sterilization – The use of a steam autoclave to destroy all forms of microbial life, including spores.

(16) Tattoo artist – A tattoo artist as defined in Section 381.00771, F.S., including an artist who performs cosmetic tattooing.

(17) Unobstructed access – A situation where an artist can wash their hands and return to the tattooing area without recontaminating their hands by handling an object such as a door knob.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789 FS. History–New _____.

64E-28.003 Licensure Requirements for a Tattoo Artist.

(1) A tattoo artist seeking initial licensure shall:

(a) Submit a completed application for licensure to the department on form DH 4147. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C., and the following documentation is attached:

1. A copy of a government issued photo identification confirming the applicant is at least 18 years of age.

2. Proof of having completed a department approved course on blood-borne pathogens and communicable diseases having achieved a minimum score of 70 percent on the course examination.

(b) Complete a department approved course, as described in subparagraph 2., within six months of the effective date of this chapter.

(2) A tattoo artist's license is valid for one year, October 1 to September 30 of the following year.

(3) A tattoo artist seeking licensure renewal shall:

(a) Annually, submit a completed application for license renewal on Form DH 4147 by October 1.

1. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

2. A license which has not been renewed by October 1 shall be deemed inactive on this day. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after October 1.

(b) Not perform tattooing without an active license.

(4) A tattoo artist license shall not be transferable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00771, 381.00775, 381.00779, 381.00781 FS. History–New _____.

64E-28.004 Registration Requirements for a Guest Tattoo Artist.

(1) A guest tattoo artist seeking registration by the department shall submit a completed application for registration to the department on Form DH 4150 at least fourteen (14) days prior to practicing tattooing in any licensed tattoo establishment or licensed temporary tattoo establishment. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C., and the following documentation is attached:

(a) A copy of a government issued photo identification confirming the applicant is at least 18 years of age.

(b) Proof of an active license, registration, or certification in another jurisdiction.

(c) Proof of having completed a course on blood-borne pathogens and communicable diseases with having achieved a score of at least seventy per cent (70%) on the course examination covering the materials in the course in that jurisdiction, provided the course requirements, as determined by the department, are comparable to or exceed those in Sections 381.00775(2)(b)4. and 5., F.S. and Rule 64E-28.006, F.A.C.

(2) Should the department determine that the education course and examination requirements in another jurisdiction do not meet or exceed those in Section 381.0075(2)(b), F.S. and Rule 64E-28.006, F.A.C., the applicant must submit proof of successful completion of a department approved education course and proof of having achieved a score of at least seventy per cent (70%) on an examination covering the materials in the course.

(3) A guest tattoo artist's license is valid for up to fourteen (14) consecutive days.

(4) A guest tattoo artist shall not perform tattooing without an active guest tattoo artist registration.

(5) A guest tattoo artist registration shall not be transferable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00775 FS. History--New _____.

64E-28.005 Licensure Requirements for a Tattoo Establishment.

(1) Licensure of a permanent tattoo establishment:

(a) Requires a completed application shall be submitted to the county health department on form DH 4151 prior to performing tattooing. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

(b) A license for a tattoo establishment is valid for one year, beginning October 1 and ending September 30.

(c) A license which has not been renewed by October 1 shall be deemed inactive on this day. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after October 1.

(2) Licensure of a temporary tattoo establishment:

(a) Requires a completed application shall be submitted to the county health department on form DH 4151 at least thirty (30) days prior to performing tattooing. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in Rule 64E-28.011, F.A.C.

(b) A license for a temporary tattoo establishment is valid for fourteen (14) consecutive days in conjunction with a convention or similar event.

(3) No tattooing shall be performed at an establishment that does not have an active license.

(4) A tattoo establishment license shall not be transferable from one location or person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00777 FS. History--New _____.

64E-28.007 Operational Requirements for a Tattoo Establishment.

(1) Tattoo establishments shall have walls, a floor, and a ceiling. Floors and walls in the tattooing area and the area where items are cleaned and sterilized shall be constructed of easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(2) There shall not be a direct opening between a tattoo establishment and any building or portion of a building used as living or sleeping quarters. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of separation.

(3) A tattoo establishment shall not be located in an area where food is prepared.

(4) Except for first-aid purposes, eating and drinking are prohibited in areas where tattooing is performed or where instruments and supplies are cleaned and stored.

(5) Water supplies shall comply with the provisions of Chapter 64E-8 or 62-550, F.A.C.

(6) Sewage disposal shall comply with the provisions of Chapter 64E-6 or 62-200, F.A.C.

(7) The establishment shall use effective measures to protect against the entrance, breeding, and presence of vermin, such as insects and rodents. Openings to the outside shall be protected by such means as self-closing doors, closed windows, or screening. If screening is used, it shall not be less than sixteen (16) mesh to the inch.

(8) Animals shall not be allowed in a tattoo establishment, except as provided under Section 413.08, F.S. Aquariums with fish shall be allowed in waiting rooms and non-procedural areas only.

(9) Each tattoo establishment shall have an artificial light source equivalent to at least one hundred (100) foot candles in the tattooing area and in the area where items are cleaned and sterilized.

(10) Restrooms shall be supplied with toilet tissue, a hand sink supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle. Signage shall be posted in the restroom to instruct employees that they must thoroughly wash their hands before returning to work.

(11) A handsink with unobstructed access shall be located within each tattoo area or centrally located within the overall workroom area, so that each tattoo artist has access to the handsink for handwashing.

(a) The handsink shall be supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle.

(b) A restroom handsink may be used as the handsink provided that it is located within the tattoo establishment and it meets the above stated requirements.

(12) At a minimum, contaminated, reusable items shall be cleaned manually in a sink, separate from the handsink(s), or mechanically in an ultrasonic machine prior to sterilization.

(a) If items are manually cleaned in a sink, the sink shall be deep enough to allow complete submersion of the items. Gloves shall be worn when manual cleaning is performed.

(b) If items are cleaned in an ultrasonic machine, the machine shall be used in accordance with the manufacturer's instructions, which shall be available for review by the department at the time of inspection.

(c) After cleaning, items shall be rinsed and allowed to air dry or shall be dried with single-use paper towels prior to packaging for sterilization.

(d) If only individually packaged, pre-sterilized, single-use items are used in the establishment, the cleaning sink and ultrasonic machine requirements do not apply.

(13) A tattoo establishment shall have a steam autoclave for sterilizing instruments.

(a) The autoclave shall be used in accordance with the manufacturer's instructions for packaging, loading, and processing items.

(b) The autoclave shall be maintained to ensure proper operation.

1. The autoclave shall be cleaned at the frequency recommended by the manufacturer and shall be serviced at least once a year or at the frequency recommended by the manufacturer.

2. A copy of the manufacturer's instructions for operating, cleaning, and servicing the autoclave shall be maintained in the tattoo establishment and shall be available for review by the department at the time of an inspection.

(14) When using an autoclave, sterilization shall be verified through:

(a) A chemical indicator strip placed inside one packet in each load to monitor the sterilization procedure. The strip must indicate exposure to steam and the autoclave operating temperature.

(b) Testing with spore strips at a minimum frequency of every 40 hours of operation of the autoclave, but not less than on a quarterly basis.

1. Test results shall be confirmed by an independent laboratory.

2. In the event of positive results, the autoclave shall be immediately taken out of service and all unused items processed in the autoclave since the most recent negative test results shall be considered non-sterile.

3. While the autoclave remains out of service, tattooing may continue provided either another properly functioning autoclave is placed in service in the establishment or all single-use, pre-sterilized instruments are used.

4. When the improperly functioning autoclave has been restored to proper function, which shall be confirmed by follow-up testing, it may be placed back in service.

(15) Each tattoo establishment shall maintain autoclave sterilization records onsite. The records shall, at a minimum, include the following information:

(a) Autoclave log showing cumulative run time, quantity and types of items sterilized on a given date, and the date spore strip testing was conducted.

(b) Spore strip results provided by an independent laboratory.

(16) If only individually packaged, pre-sterilized, single-use items are used, an autoclave shall not be required nor the requirements specified in 12, 13, 14, and 15 of this section.

(17) Packages of sterile items, which are sterilized by the tattoo establishment, shall be labeled with the date of autoclaving. If any package has been compromised, the items shall be re-sterilized.

(a) Individually packaged, pre-sterilized, single-use items shall be sterilized with ethylene gas and shall be labeled with the expiration date by the manufacturer.

(b) If a package containing pre-sterilized, single-use items has been compromised, the contents shall be discarded.

(c) All packages of sterile items shall be stored in a clean, dry, covered container or in a clean, dry cabinet until just prior to use.

(18) Work chairs, tables, stands, cabinets, and counter tops shall have a smooth, non-porous, easily cleanable surface, and shall be cleaned and disinfected after each customer.

(19) If any liquid product is not in its original container, the container into which the product has been placed shall be labeled with the name of the product.

(20) Each tattoo establishment shall maintain the following records:

(a) Customer records, including parental consent;

(b) Autoclave sterilization records and maintenance records;

(c) Documentation identifying the method of sterilization utilized by the manufacturer if the information is not printed on the packaging of the item.

(d) The records stated in (a), (b), and (c) above shall be maintained for two years with those records for the current licensing period maintained onsite in the establishment and available for review by the department at the time of inspection.

(e) Personnel records of each tattoo artist who works in the establishment. The record shall contain the tattoo artist's name, a copy of a government-issued photo identification, and the license number issued by the department. Personnel records shall be maintained for at least 2 years after an artist's employment ends.

(21) A tattoo establishment shall allow the department to conduct, at a minimum, annual inspections for the purpose of assisting the establishment in achieving compliance with Section 381.00771, F.S., and these rules.

(22) Biomedical waste shall be managed in accordance with Section 381.0098, F.S., and Chapter 64E-16, F.A.C. Regular solid waste shall be collected, stored and disposed of in a manner and at a frequency that do not create a sanitary nuisance, as defined in Chapter 386, F.S.

(23) Tattoo establishments not in full compliance with the handsink and cleaning sink requirements on the effective date of this chapter shall have six months from the effective date of this chapter to comply with the requirements.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History—New _____.

64E-28.008 Operational Requirements for a Temporary Tattoo Establishment.

(1) A licensed temporary establishment shall meet the operational requirements set forth in Rule 64E-28.007, F.A.C., with the following exceptions.

(2) A temporary establishment shall have rigid perimeter walls, a rigid floor, and a rigid ceiling. Floors in the tattooing area and the area where items are cleaned and sterilized shall be constructed of easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(3) If any tattoo items are sterilized by an artist prior to a temporary event, spore test results confirmed by an independent laboratory, shall be available for review by the department at the time of inspection.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History—New _____.

64E-28.009 Standards of Practice for a Tattoo Artist or Guest Tattoo Artist.

(1) A tattoo artist shall ensure that a customer record is completed for each customer. The record shall, at a minimum, include the following:

(a) Name of tattoo artist.

(b) Customer's name, age, and birthdate.

(c) Copy of the identification used to verify customer is at least eighteen (18) years of age.

(d) Description and location of tattoo on the customer's body.

(e) Signature of the customer.

(f) Signature of the artist.

(2) Pursuant to Section 381.00787, F.S., a tattoo artist shall not tattoo the body of a minor less than sixteen (16) years of age.

(3) If tattooing a minor who is sixteen (16) or seventeen (17) years of age, a tattoo artist shall obtain the following documents in addition to the requirements of subsection (1):

(a) Copies of a government-issued photo identification for both the minor and for the parent or legal guardian of the minor. If the photo identification for the minor does not show a birth date, a copy of the minor's birth certificate shall be provided.

(b) A signed and notarized consent by the minor's parent or legal guardian on form DH 4146.

(4) Prior to or after performing a tattoo procedure on a customer, a tattoo artist shall provide information on aftercare to the customer, both verbally and in writing.

(5) Prior to setup for a tattoo procedure, a tattoo artist shall:

(a) Ensure that the skin area where a tattoo is to be applied is visibly healthy.

(b) Wash their hands thoroughly using liquid soap, rinse them, and dry them using single-use paper towels.

(6) Prior to performing a tattoo procedure, a tattoo artist shall cleanse the area of the skin where the tattoo will be placed using a using a clean, single-use paper towel or pad and a solution labeled as an antiseptic. The antiseptic solution shall be used in accordance with the manufacturer's instructions.

(7) If hair is to be removed from the area to be tattooed, either a single-use razor shall be used, or clippers which are capable of being disinfected. If hair removal is done after cleansing, the area shall be re-cleansed as specified in subsection (6) above.

(8) While performing a tattoo procedure, a tattoo artist shall:

(a) Use aseptic techniques, including barrier covers.

(b) Use only sterile needle bars, sterile needle tubes, and single-use, sterile needles.

(c) Wear new, disposable examination gloves, which shall be discarded after the completion of each single tattooing session.

1. Should the gloves become torn, punctured, or otherwise contaminated outside the general scope of tattooing, or should the gloves come in contact with any object or surface other than the customer's skin or items being used in the procedure, the gloves shall be removed and discarded and the tattoo artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

2. In the event a tattoo artist must leave the tattooing area, the gloves shall be removed and discarded. The artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

(d) Discard any sterile, single-use items that become contaminated and replace them with sterile items before resuming the procedure.

(e) Use a stencil that is single-use and clean. The product used to apply the stencil shall be packaged as a single dose or dispensed from a product container as a single customer dose.

(f) Any item used for freehand artistry on the customer shall be single-use and discarded after use unless an antiseptic is applied to the skin after marking the skin.

(g) Use inks, dyes, and pigments which are intended for tattooing.

1. Inks shall be used in accordance with the manufacturer's instructions.

2. Individual portions of inks, dyes, or pigments shall be dispensed into clean single-use cups for each customer.

(9) Any item which an artist adds to a tattoo machine to stabilize the needle shall be either single-use or a reusable item that has been disinfected.

(10) Upon completion of a tattooing procedure, a tattoo artist shall:

(a) Remove any excess ink from the customer's skin with a single-use clean paper towel or pad.

(b) Use a clean glove, single-use paper towel, or single-use pad to apply a moisturizing ointment or lotion that is packaged as a single dose or is dispensed from a product container as a single customer dose.

(c) If needed, cover the tattooed area with a clean nonstick bandage.

(d) Remove and discard any barriers used to cover instruments and equipment and disinfect both the tattoo machine and the work area with a tuberculocidal disinfectant registered with the USEPA.

(e) Remove any reusable instruments from the tattooing area in preparation for cleaning, rinsing, drying, and sterilization.

(f) Discard any unused ink, dye, or pigment.

(g) Thoroughly wash and rinse hands and dry them with clean single-use paper towels.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History—New _____.

64E-28.010 Forms.

(1) DH Form 4147, 03/12, Application for Tattoo Artist License.

(2) DH Form 4150, 03/12, Application for Guest Tattoo Artist Registration.

(3) DH Form 4151, 03/12, Application for Tattoo Establishment License.

(4) DH Form 4146, 03/12, Consent Form for Minor.

(5) DH Form 4154, 03/12, Tattoo Establishment Stop Use Order.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789, 381.00775(3)(a), 381.00777(2), 381.00775(4), 381.00787(2)(d) FS. History—New _____.

64E-28.011 Fee Schedule.

<u>(1) Tattoo Artist License and Renewal</u>	<u>\$ 60.00</u>
<u>(2) Guest Tattoo Artist Registration and Re-registration</u>	<u>\$ 35.00</u>
<u>(3) Tattoo Establishment License</u>	<u>\$200.00</u>
<u>(4) Temporary Establishment License</u>	<u>\$200.00</u>
<u>(5) Reactivation of Tattoo Artist License</u>	<u>\$ 25.00</u>
<u>(6) Reactivation of Tattoo Establishment License</u>	<u>\$ 75.00</u>

Rulemaking Authority 381.00789 FS. Law Implemented 381.00781 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gina Vallone-Hood, Bureau of Community Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., FACP
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-10.001	Definitions
64F-10.002	Eligibility Criteria
64F-10.003	Eligibility Determination Process
64F-10.004	Fees
64F-10.005	Primary Care Project Services
64F-10.006	Intake and Registration Procedures
64F-10.007	Twenty-four-hour Telephone Access and Evening and Weekend Clinic Services

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

SUMMARY: Rules 64F-10.001, 64F-10.002, 64F-10.003, 64F-10.004, 64F-10.005, 64F-10.006, 64F-10.007, 64F-10.008, 64F-10.009, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer necessary, are antiquated, and, thus, are appropriate for repeal. These are the all the rules in rule chapter 64F-10. There are no other rules incorporating these rules.

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: The rules do not meet the requirements for legislative ratification established in Section 120.541(3), 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: 154.011(5), 627.6579 FS.

LAW IMPLEMENTED: 154.011 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 RULES IS: Michael Sentman, 4052 Bald Cypress Way, Bin #A-01, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-10.001 Definitions.

Rulemaking Specific Authority 154.011(5), ~~627.6579~~ FS. Law Implemented 154.011, ~~627.6579~~ FS. History--New 3-2-88, Formerly 10D-101.002, Repealed.

64F-10.002 Eligibility Criteria.

Rulemaking Specific Authority 154.011(5) ~~154.011(1)(e)-1~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.003, Repealed.

64F-10.003 Eligibility Determination Process.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.004, Repealed.

64F-10.004 Fees.

Rulemaking Specific Authority 154.011(5) ~~154.011(1), (1)(e) 1, 7~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.005, Repealed.

64F-10.005 Primary Care Project Services.

Rulemaking Specific Authority 154.011(5), ~~154.011(1)(b), (e)2, 5, 6, 9, (3), (4)~~, ~~627.6597~~ FS. Law Implemented 154.011, ~~627.6579~~ FS. History--New 3-2-88, Formerly 10D-101.006, Repealed.

64F-10.006 Intake and Registration Procedures.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.007, Repealed.

64F-10.007 Twenty-four-hour Telephone Access and Evening and Weekend Clinic Services.

Rulemaking Specific Authority 154.011(5) ~~154.011(1)(e), (4)~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.008, Repealed.

64F-10.008 Health Records.

Rulemaking Specific Authority 154.011(2), (5) FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.009, Repealed.

64F-10.009 Quality Control and Utilization Review.

Rulemaking Specific Authority 154.011(5) ~~(1)(e) 8~~, ~~154.011(2)~~ FS. Law Implemented 154.011 FS. History--New 3-2-88, Formerly 10D-101.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sentman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-15.001	Administration of Statewide Pharmaceutical Contract
64F-15.002	Agency Contact

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal this chapter of out dated pharmacy rules identified as unnecessary during the comprehensive rule review required by Executive Order 11-01.

SUMMARY: Rules 64F-15.001, F.A.C., was identified during the comprehensive rule review, and Rule 64F-15.002, F.A.C., was later identified, as containing unnecessary requirements and thus appropriate for repeal. There are no other rules incorporating these rules.

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: This rulemaking does not meet the requirements for legislative ratification established in Section 120.541(3), 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: 381.0203 FS.

LAW IMPLEMENTED: 381.0203 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 RULES IS: Brenda Sowell-Smith, Pharmaceutical Program Manager, Statewide Pharmaceutical Services, 116A Hamilton Park Dr., Floor 01, Room 1, Tallahassee, Florida 32304, Telephone: (850)922-9036

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-15.001 Administration of Statewide Pharmaceutical Contract.

Rulemaking Specific Authority ~~381.0203(4)~~ FS. Law Implemented ~~381.0203(4)~~ FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.001, Amended 10-3-05, Repealed.

64F-15.002 Agency Contact.

Rulemaking Specific Authority ~~381.0203 381.0011(4), (13)~~ FS. Law Implemented ~~381.0203 381.0011(4), (13), Chapter 287~~ FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.003, Amended 10-3-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brenda Sowell-Smith, Pharmaceutical Program Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-16.005	Fee Exemption
64F-16.008	Limitation of Income Eligibility
64F-16.009	Continuity of Care for Pregnant Women
64F-16.010	County Health Department Responsibilities
64F-16.011	Disenrollment

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

SUMMARY: Rules 64F-16.005, 64F-16.008, 64F-16.009, 64F-16.010, 64F-16.011, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer necessary, are antiquated, and, thus, are appropriate for repeal. There are no other rules incorporating these rules.

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: The rules do not meet the requirements for legislative ratification established in Section 120.541(3), 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: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 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 RULES IS: Michael Sentman, 4052 Bald Cypress Way, Bin #A-01, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-16.005 Fee Exemption.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Formerly 10D-121.006, Amended 6-17-03, Repealed.

64F-16.008 Limitation of Income Eligibility.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.009, Amended 6-17-03, Repealed _____.

64F-16.009 Continuity of Care of Pregnant Women.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, Formerly 10D-121.010, Repealed _____.

64F-16.010 County Health Department Responsibilities

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, Formerly 10D-121.011, Repealed _____.

64F-16.011 Disenrollment.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History–New 10-14-93, Amended 8-2-94, 9-25-95, Formerly 10D-121.012, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sentman
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-20.002 RULE TITLE: Criteria for Distributing Monies
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 64F-20.002, F.A.C. was identified during the comprehensive rule review as duplicative, unnecessarily burdensome and no longer necessary and thus appropriate for repeal. There are no other rules incorporating this rule.

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: The rule does not meet the requirements for legislative ratification established in Section 120.541(3), 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: 794.056(2) FS.

LAW IMPLEMENTED: 794.056 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: Jan Davis, 4052 Bald Cypress Way, Bin #A-13 (HSFFM) Tallahassee, Florida 32399-1723, Telephone: (850)245-4485

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-20.002 Criteria for Distributing Monies.

Rulemaking Specific Authority 794.056 (2) FS. Law Implemented 794.055 (3), 794.056 FS. History–New 9-27-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jan Davis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.004 RULE TITLE: School District Budget Requirements
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. 41, October 14, 2011 issue of the Florida Administrative Weekly.

In response to comments of the Joint Administrative Procedures Committee, the introductory paragraph and subsection (2) of Rule 6A-1.004, F.A.C., have been changed as shown below:

6A-1.004 School District Budget Requirements.

The Commissioner shall establish procedures so that the District Summary Budget is transmitted to the Department of Education in the manner prescribed in Rule 6A-1.0071, F.A.C.

(2) A budget shall not be considered to be officially received for review and approval until all required forms, schedules, analyses and certifications have been received including Forms ESE 139, District Summary Budget; ESE 524, Resolution Determining Revenues and Millages Levied; and ESE 524(a) Resolution Determining Critical Needs Revenues and Millages Levied, if applicable. Forms ESE 139, 524, and 524(a) are hereby incorporated by reference to become effective March 2012, and may be obtained by contacting the Office of Funding and Financial Program Accounting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.0970 John M. McKay Scholarship for
 Students with Disabilities Program
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly. Due to inaccurate information the notice of proposed rulemaking contained the following statement: "A SERC has been prepared by the Agency." The notice should read: "A SERC has not been prepared by the Agency."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-8.624 Guidance and Minimum Levels for
 Lakes
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly. Correction is made to the Summary section to read as follows: The proposed amendments to Rule 40D-8.624, F.A.C., establish minimum levels and repeal the previously adopted guidance levels for Lake Carroll in Hillsborough County. (Reference No. OGC No. 2011048)

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-4.060 Dental Services
 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. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The following change was made to the Notice of Proposed Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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. A checklist was prepared by the Agency to determine the need for a SERC. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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.

The following changes have been made to the Florida Medicaid Dental Services Coverage and Limitations Handbook, September 2010.

Page 1-4 Health Access Settings.

Paragraph is changed to read:

Dentists who practice in health access settings as defined in Section 466.003(14), F.S., must enroll as treating dental providers affiliated with the facility. Health access settings are subject to Medicaid reimbursement limitations.

Page 1-5 Adds a new section and corresponding policy as follows:

Registered Dental Hygienist (RDH) Practicing in a Health Access Setting.

Preventive dental services provided to Medicaid beneficiaries by a RDH employed by or in contractual agreement with a health access facility may be reimbursed when those services are provided under the general supervision as defined in Section 466.003(10), F.S. of a dentist.

The Medicaid-enrolled supervising dentist at the facility where the RDH is employed or in a contractual agreement will be listed as the treating provider for these services.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-13.050 Assisted Living Waiver Services
 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. 27, July 8, 2011 issue of the Florida Administrative Weekly.

The following change was made to the Notice of Proposed Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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. A checklist was prepared by the Agency to determine the need for a SERC. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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.

The following changes have been made to the Florida Medicaid Assisted Living Waiver Services Coverage and Limitations Handbook, March 2011.

Page 1-10 Provider Responsibilities: Personal Needs Allowance (PNA).

Paragraph is changed to read:

All recipients of AL waiver services must be allowed to keep from their personal income an amount equal to the personal needs allowance (PNA) under the Optional State Supplementation (OSS) Program (Rule 65A-2.036, F.A.C.). The PNA must be available to the resident by the tenth day of each month. The facility may assist the resident in managing these personal funds, but may not restrict how the resident chooses to spend the PNA funds.

Page 2-2 Service Requirements: Determination of Medicaid Eligibility.

First paragraph is changed to read:

Individuals not already receiving Optional State Supplementation (OSS) or Medicaid benefits must be referred to the local Department of Children and Families (DCF) Automated Community Connection to Economic Self-Sufficiency (ACCESS) office or online at www.myflorida.dcf.state.fl.us/ess to apply for Medicaid coverage.

Seventh paragraph is changed to read:

Note: Information regarding Medicaid eligibility is available on the Internet at: <http://www.dcf.state.fl.us/programs/access/>

Page 2-5 Service Requirements.

Comprehensive Client Assessment

Fourth paragraph is changed to read:

Note: See Appendix A in this handbook for a copy of the Department of Elder Affairs Assessment Instrument, DOEA Form 701B. This form is available from DOEA's Web site at: http://elderaffairs.state.fl.us/english/pubs/pubs/doa701b_sep08.pdf. It is incorporated by reference in Rule 59G-13.030, F.A.C. The Department of Children and Families Assessment Instrument, DCF Form CF-AA 3019, is available from DCF's website: <http://dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>. It is incorporated by reference in Rule 59G-13.030, F.A.C.

Request for Level of Care

Second paragraph is changed to read:

Note: See Appendix B in this handbook for a copy of the Medical Certification for Nursing Facility/Home and Community Based Services Form (MCNF/HCBS), AHCA-Med Serv Form 3008. The form is available on the DOEA Web site at: <http://elderaffairs.state.fl.us/english/cares.php>. It is incorporated by reference in Rule 59G-13.030, F.A.C.

Page 2-6 Service Requirements.

Informed Consent Form

Second paragraph is changed to read:

Note: See Appendix C for a copy of the Informed Consent Form, AHCA Med-Serv Form 2040 in English and Spanish. The form is available on the DOEA website at: <http://elderaffairs.state.fl.us/english/cares.php>. It is incorporated by reference in Rule 59G-13.030, F.A.C.

Level of Care Determination

Third paragraph is changed to read:

The LOC must be determined annually by CARES for all recipients and documented in the beneficiary's case record. The case manager is required to track LOC reassessment in conjunction with the annual 701B reassessments to ensure that timely evaluations are conducted.

Page 2-9 Service Requirements: Availability of Other Coverage Sources and Services.

First paragraph is changed to read:

When a service must be purchased, services available under the Medicaid state plan must be used before accessing services through the waiver. The waiver cannot supplant or replace a service that is available through the Medicaid state plan. It is a federal requirement to access state plan coverage before the provision of waiver services.

However, this does not affect the services provided by the ALF to recipients under the AL's "assisted living services." These services are part of the waiver program, reimbursed to the facility and not accessed through state plan.

Page 2-11 Case Management Requirements: Visit Requirements.

First bullet is changed to read:

Maintain, at a minimum, face-to-face contact with the recipient to verify satisfaction and receipt of services.

Page 2-12 Case Management Documentation: Recipient Case Records.

Last paragraph is changed to read:

Note: See Appendix E for a copy of the Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled Recipient, AHCA Form 5000-30. It is available on the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Provider Support, and then Medicaid Forms. It is incorporated by reference in Rule 59G-13.030, F.A.C.

Page 2-15 Plan of Care: Plan of Care Document.

First bullet is changed to read:

Client name and Medicaid identification number;

Second bullet is changed to read:

Case management agency name and Medicaid provider identification number;

Fourth bullet is changed to read:

Types, frequency and duration of planned DOEA and non-DOEA services;

Page 2-16 Plan of Care: Plan of Care Development.

Second paragraph is changed to read:

The plan of care must specify all of the client's services. The plan of care should also include a client's individual goals for wellness and for accomplishing the recipient's plan of care objectives. The ultimate goal of the plan must be to enable recipients to live a dignified life in the least restrictive setting appropriate to their needs. The entire care planning process must be documented in the case record.

Fifth paragraph deleted

Page 2-20 Service Documentation Requirements and Provider Responsibilities: Introduction.

The Introduction is changed to read:

Medicaid will only reimburse for waiver services that are specifically identified in the approved plan of care by service type, frequency and duration and for which there is sufficient documentation supporting the provision and receipt of the service. Services are authorized indicating frequency of service deemed necessary in the plan of care.

Page 2-25 AL Waiver and Covered Services: Medication Administration Component

Second paragraph is changed to read:

ALF staff should be aware of DOEA's requirement that assistance with self-administered medications can be provided either by a licensed nurse or, with a documented request and informed consent, an unlicensed staff member. The unlicensed staff member must be trained to assist residents with self-administered medications, in accordance with subsection 58A-5.0191(5), Florida Administrative Code, and must demonstrate the ability to accurately read and interpret a prescription label.

Third paragraph is changed to read:

Pursuant to Section 429.256, Florida Statutes, assistance with self-administration of medications includes taking the medication from where it is stored and delivering to the resident; removing a prescribed amount of medication from the container and placing it in the resident's hand or another container; helping the resident by lifting the container to their mouth; applying topical medications; and keeping a record of when a resident receives assistance with self-administration of the medications.

Page 2-32 Appeal Rights and Fair Hearing Process: Right to a Fair Hearing

First paragraph is changed to read:

In accordance with Chapter 42, Section 431.221 of the Code of Federal Regulations, a recipient has certain appeal rights. A recipient has the right to appeal any action taken by AHCA, DOEA, DCF or service providers that adversely affects the receipt of services. Advance notice of termination of services or program participation must inform the AL recipient of the right to a fair hearing.

Page 3-2 Reimbursement Information, continued: Introduction, continued

Second paragraph is changed to read:

The AL waiver services are paid on a capitated basis. Under a capitated payment, the provider is paid a set fee for each service performed and billed.

Page 3-3 Reimbursement Information, continued: Fee Schedule.

Second paragraph, third bullet is deleted

Page 3-5 Reimbursement Information, continued: Billing for ACS and Assisted Living Waiver Services.

Deleted all text

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.083

RULE TITLE:
Developmental Disabilities Waiver Services

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. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The following change was made to the Notice of Proposed Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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. A checklist was prepared by the Agency to determine the need for a SERC. Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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.

The following changes have been made to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, November 2010.

Page 1-2 Direct Provider Billing

Second paragraph is changed to read:

All claims for DD waiver services must be submitted either on the CMS-1500 Claim Form or electronically directly to the Medicaid fiscal agent.

Page 1-3 Direct Provider Billing

First paragraph is deleted.

Second paragraph is changed to read:

Instructions for completing the CMS-1500 claim form are in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

Page 1-9 Purpose of the Handbook

First paragraph is changed to read:

This handbook is intended for use by eligible providers who furnish DD waiver services to recipients enrolled in the waiver. DD Waiver refers to all four DD Waivers (Tiers One, Two, Three, and Four). It must be used in conjunction with the Florida Medicaid Provider General Handbook, which contains information about the Medicaid program in general, and the Florida Medicaid Provider Reimbursement Handbook.

Second paragraph is changed to read:

Instructions for completing the CMS-1500 claim form are in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

Page 1-15 Provider Responsibility Regarding HIPAA Requirements

Third paragraph is changed to read:

Note: For more information regarding claims processing changes in Florida Medicaid because of HIPAA requirements refer to Chapter 1 in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

Page 2-3 Level of Care Requirements

Second bullet is changed to read:

The recipient is eligible under a primary disability of autism, Down syndrome, cerebral palsy, spina bifida, or Prader-Willi syndrome. In addition, the condition must result in substantial functional limitations in three or more major life activities, including self-care, learning, mobility, self-direction, understanding and use of language, and capacity for independent living.

Page 2-9 Claim Form

First paragraph is changed to read:

The CMS-1500 claim form is the standard claim form to be used when submitting claims for reimbursement for DD Waiver Services. Claim forms must be complete and legible when submitted to the Medicaid fiscal agent for reimbursement for services rendered. The provider may submit claims to the Medicaid fiscal agent either on paper claims forms or electronically by using the free software supplied by the Medicaid fiscal agent.

Note: See Chapter 3 for additional billing and reimbursement information.

Page 2-12 Medication Review

Delete paragraph

Page 2-44 Description

Fourth paragraph is changed to read:

This service is available to recipients enrolled on the DD Waiver – Tier 4 in the family home, including foster homes, and for individuals in Tiers 1, 2 and 3 living in their own home.

Page 2-88

Delete paragraph beginning “For recipients residing”, including related bullets.

Page 2-89

Delete the “Note” at the top of the page which states:

Note: Refer to the medication review service section for additional information.

Page 2-105 Documentation Requirements

Fifth paragraph is changed to read:

Transportation providers that are not CTCs, public fixed-route, fixed-scheduled bus systems, or limited transportation providers must, at the time of enrollment, be able to show proof of current Florida driver’s licenses for all drivers who will be transporting recipients, vehicle registration for all vehicles to be used in the provision of this service and 100/300 vehicle liability insurance coverage.

Page 3-2 Billing Procedures

First paragraph is changed to read:

Paper claims are submitted on the CMS-1500 claim form.

Fourth paragraph is changed to read:

Billing instructions will be in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

Sixth paragraph is changed to read:

Note: The Florida Medicaid provider handbooks are available on the Medicaid fiscal agent’s Web Portal at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. The Florida Medicaid Provider Reimbursement Handbook, CMS-1500, is incorporated by reference in Rule 59G-4.001, F.A.C.

APPENDIX C: WAIVER ELIGIBILITY DETERMINATION:

1. A. (2) (b) is changed to read:

(b) The individual is eligible under a primary disability of autism, cerebral palsy, Down Syndrome, spina bifida, or Prader-Willi syndrome. In addition, the condition must result in substantial functional limitations in three or more major life activities, including self-care, learning, mobility, self-direction, understanding and use of language, and capacity for independent living.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-11.003
 RULE TITLE: Reexamination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

The correction is response to the comments made in the Joint Administrative Procedures Committee letter dated January 11, 2012. The corrections are as follows:

The PURPOSE AND EFFECT should read: should read: After a comprehensive review of existing rules the Board determined the Rule is obsolete and should be repealed. Currently individuals applying for readministration of the national examination, submit all materials directly to the vendor (NBVME), the National Board of Veterinary Medical Examiners.

The SUMMARY should read: Applicants are no longer required to apply for readministration of the national examination with the Board. Therefore, the Board has determined the rule is no longer required and is being repealed.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-13.002 RULE TITLE: Approved Schools

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

The correction is response to the comments made in the Joint Administrative Procedures Committee letter dated January 11, 2012. The corrections are as follows:

The PURPOSE AND EFFECT should read: The rule is being repealed as it essentially restates the provisions of Section 474.207, Florida Statutes, which sets forth the criteria for approved schools.

The SUMMARY should read: The rule has been deemed redundant of current statutory provisions and is therefore being repealed.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027 RULE TITLE: Applications by Individuals

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 38, September 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-761.510 RULE TITLE: Performance Standards for Category-A and Category-B Storage Tank Systems

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

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

NOTICE OF PUBLIC HEARING

The Department of Health, Board of Acupuncture announces a hearing regarding the above rule, as noticed in Vol. 37, No. 42, October 21, 2011 Florida Administrative Weekly.

DATE AND TIME: For Rule 64B1-3.004, at 9:00 a.m. or as soon thereafter as possible, on Friday, March 2, 2012, until business is concluded.

PLACE: Holiday Inn & Suites-Sawgrass Mills, 3003 N. University Drive, Sunrise, FL 33332

GENERAL SUBJECT MATTER TO BE CONSIDERED: Acupuncture Examination.

Notice of the above-referenced proposed rule development was originally published in Vol. 37, No. 42, of the October 21, 2011, Florida Administrative Weekly.

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: Anthony Jusevitch, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399 or by emailing a request to the Board Office at MQA_Acupuncture@doh.state.fl.us or by calling (850)245-4161. 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).

DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services
 RULE NO.: RULE TITLE:
 69B-241.035 Crimes of Moral Turpitude
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 23, June 11, 2010 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY
 RULE NO.: RULE TITLE:
 53ER12-5 POWERBALL® Ticket Sales on
 January 14, 2012
 SUMMARY: On January 14, 2012, POWERBALL® tickets will not be available for purchase after 10:00 p.m., (ET). POWERBALL ticket sales will resume at 6:00 a.m., (ET) on January 15, 2012.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-5 POWERBALL® Ticket Sales on January 14, 2012.
On January 14, 2012, POWERBALL® tickets will not be available for purchase after 10:00 p.m., Eastern Time (ET). POWERBALL ticket sales will resume at 6:00 a.m., (ET) on January 15, 2012.
Rulemaking Authority 24.105(9)(h), 24.109(1) FS. Law Implemented, 24.105(9)(h) FS. History—New 1-11-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
 EFFECTIVE DATE: January 11, 2012

DEPARTMENT OF THE LOTTERY
 RULE NO.: RULE TITLE:
 53ER12-6 POWERBALL®
 SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL® and replaces Rules 53ER09-52 and 53ER11-38, F.A.C.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-6 POWERBALL®.
(1) Definitions.
The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:
(a) Annuity prize – A Grand Prize paid in thirty annual installments.
(b) MUSL – The Multi-State Lottery Association.
(c) MUSL Board – The governing body of MUSL which is comprised of the chief executive officer of each party lottery.
(d) MUSL Powerball Product Group – The group of lotteries that have joined together to offer the Powerball lottery game under the terms of the MUSL agreement and MUSL Powerball Product Group rules.
(e) Party Lottery – A State lottery or lottery of a political subdivision or entity which has joined MUSL and, in the context of the Powerball Product Group Rules, which is authorized to sell the Powerball game.
(f) Licensee Lottery – A state lottery or lottery of a governmental unit, political subdivision or entity thereof which is not a Party Lottery but has agreed to comply with all applicable MUSL and Product Group requirements and has been authorized by the MUSL and by the Powerball Product Group to sell the Powerball game.
(g) Selling Lottery – A lottery authorized by the Product Group to sell Powerball tickets, including Party Lotteries and Licensee Lotteries.

(h) Set prize – All prizes except the Grand Prize that are advertised to be paid by a single lump-sum payment and, except as set forth in paragraph (6)(g), will be equal to the prize amount established by the MUSL Board for the prize level.

(2) How to Play POWERBALL.
(a) POWERBALL is a multi-state lottery on-line game. In POWERBALL, players select five (5) numbers from a field of one (1) through fifty-nine (59) and one (1) Powerball number from a separate field of one (1) through thirty-five (35).
(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers (five (5) in the upper play area and one (1) in the lower play area) from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket

shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Players may mark the 5, 10 or 20 “Quick Picks” box to receive a ticket(s) with the selected number of sets of six (6) randomly selected numbers for the next POWERBALL drawing.

(d) Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(e) Players may play up to fifty-two (52) consecutive POWERBALL drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played.

(3) POWERBALL Drawings.

(a) POWERBALL drawings shall be conducted by MUSL two (2) times per week, on Wednesday and Saturday at approximately 10:59 p.m., ET.

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official winning POWERBALL numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

(a) Grand Prize: Five (5) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five (5) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four (4) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four (4) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three (3) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three (3) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two (2) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One (1) number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Grand Prize – 1:175,223,510.0000

2. Second Prize – 1:5,153,632.6471

3. Third Prize – 1:648,975.9630

4. Fourth Prize – 1:19,087.5283

5. Fifth Prize – 1:12,244.8295

6. Sixth Prize – 1:360.1420

7. Seventh Prize – 1:706.4325

8. Eighth Prize – 1:110.8129

9. Ninth Prize – 1:55.4065

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:31.8464.

(6) POWERBALL Prize Pool.

(a) Prize Pool. The prize pool for all prize categories shall consist of 50% of each drawing period’s sales after the prize reserve accounts are funded to the amounts set by the MUSL Powerball Product Group.

(b) Prize Reserve Accounts. An amount equal to up to 2% of a party lottery’s sales shall be deducted from a party lottery’s grand prize pool and placed in trust in one or more prize reserve accounts until the party lottery’s share of the prize reserve accounts reaches the amounts designated by the MUSL Powerball Product Group. Once the party lottery’s share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The MUSL Powerball Product Group, with the approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize reserve accounts. The shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and shares of the party lotteries.

(c) Expected prize payout percentages.

The Grand Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected prize payout percentages:

Tickets Containing The Following

In One Single Lettered

Game Section

Five first set numbers and the Powerball number

Five first set numbers

Four first set numbers and the Powerball number

Four first set numbers

Three first set numbers and the Powerball number

Three first set numbers

Two first set numbers and the Powerball number

One first set number and the Powerball number

The Powerball number

Prize

Category

Grand Prize

Second Prize

Third Prize

Fourth Prize

Fifth Prize

Sixth Prize

Seventh Prize

Eighth Prize

Ninth Prize

Prize

Payment

Grand Prize

\$1,000,000

\$10,000

\$100

\$100

\$7

\$7

\$4

\$4

Approximate Percentage of

Winnings Pool Allocated

to Prize Category

63.9511%

19.4038%

1.5409%

0.5239%

0.8167%

1.9437%

0.9909%

3.6097%

7.2194%

(d) Prize money allocated to the Grand Prize category will be paid on a pari-mutuel basis, divided equally by the number of plays determined to be winners of the Grand Prize.

(e) The number of plays determined to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in paragraph (6)(g) below. If all or any portion of the set prize pool is not awarded in the current POWERBALL drawing, that portion of the set prize pool shall be carried forward to subsequent POWERBALL drawings.

(f) If the total of the set prizes awarded in a POWERBALL drawing exceeds the percentage of the prize pool allocated to the set prizes, the amount needed to fund the set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous draws, if any.

2. An amount from the MUSL set prize reserve account, if available, not to exceed \$40,000,000 per Powerball drawing.

(g) If the sources set forth in paragraph (6)(f) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing, the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining set prizes, the next highest set prize shall become a pari-mutuel prize. If necessary, and under the same test conditions set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. In that instance, the Party Lotteries and the Licensed Lotteries shall independently determine their pari-mutuel prize amounts and the MUSL Powerball Product Group shall determine the amount to be paid as the prize for each low tier prize level.

(h) Any interest or earnings accrued on a POWERBALL set prize prior to prize payment shall accrue to the State of Florida and not to the winner.

(7) POWERBALL Grand Prize.

(a) Players can choose one of two payment options for receiving their portion of the POWERBALL Grand Prize. Payment options are "Cash Option" and "Annual Payment."

(b) Grand Prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Grand Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in paragraph (7)(i) below.

(c) In order to select the Cash Option, the Grand Prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Grand Prize winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(f) below.

(d) Shares of the Grand Prize shall be determined by dividing the cash available in the Grand Prize pool equally among all winners of the Grand Prize. A Grand Prize winner who chooses the Cash Option will receive his or her share of the cash available in the Grand Prize pool in a single cash payment, less applicable withholding taxes.

(e) If a Grand Prize winner elects the Annual Payment option, his or her share of the Grand Prize will be paid in thirty (30) equal annual installments, each less applicable withholding taxes. The amount of the prize shall be determined by multiplying the winner's share of the Grand Prize pool by the MUSL annuity factor. The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after the prize is claimed. MUSL shall purchase and hold the investments that shall fund the Grand Prize winner's prize payments. Neither MUSL nor the selling lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL.

(f) If individual shares of the cash held to fund Annual Payments are less than \$250,000, the Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize pool.

(g) Annuitized payment of the grand prize or a share of the grand prize will be rounded to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized grand prize

win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which under this rule may become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(h) The Florida Lottery will make the initial and any subsequent payments of a prize upon receipt of funds for such prize from MUSL.

(i) In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such petition will be forwarded by the Florida Lottery to MUSL for processing.

(j) If the Grand Prize is not won in a drawing, the prize money allocated for the Grand Prize shall roll over and be added to the Grand Prize pool for the following drawing.

(k) Guaranteed Grand Prize.

On occasion, guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings will be offered for promotional purposes. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered, the Grand Prize shares shall be determined as follows:

1. If there are multiple Grand Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Grand Prize shall be determined by dividing the guaranteed Grand Prize by the number of winners.

2. If there are multiple Grand Prize winners during a single drawing and at least one of the Grand Prize winners has elected the Annual Payment option, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed Grand Prize.

3. If no winner of the Grand Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Grand Prize pool shall be an amount equal to the guaranteed amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes.

4. In no case shall quotes be used which are more than two weeks old and if fewer than three quotes are submitted, then MUSL shall use the average of all quotes submitted.

(l) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(m) Any interest or earnings accrued on a POWERBALL Grand Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) Power Play® Option.

(a) The Power Play option shall be available in association with the POWERBALL game. The Power Play option will be conducted in accordance with the POWERBALL rules. The POWERBALL Grand Prize will not be eligible for increase under the Power Play option.

(b) At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1.00 per play for each play on the POWERBALL ticket.

(c) POWERBALL tickets that contain the Power Play option and one or more plays eligible for POWERBALL set prizes shall be entitled to a prize as follows:

<u>Match</u>	<u>Prize Amount</u>
<u>Match 5+0</u>	<u>\$2,000,000</u>
<u>Match 4+1</u>	<u>\$40,000</u>
<u>Match 4+0</u>	<u>\$200</u>
<u>Match 3+1</u>	<u>\$200</u>
<u>Match 3+0</u>	<u>\$14</u>
<u>Match 2+1</u>	<u>\$14</u>
<u>Match 1+1</u>	<u>\$12</u>
<u>Match 0+1</u>	<u>\$12</u>

(d) The prize pool for Power Play set prizes shall consist of up to 49.96% of Power Play sales after POWERBALL prize reserve accounts are funded to the amounts set by MUSL. The prize pool percentage allocated to Power Play set prizes shall be carried forward to subsequent Power Play drawings if all or a portion of the percentage is not required to pay the set prizes for the current Power Play drawing.

(e) An additional .04% of Power Play sales will be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by MUSL.

(f) If, with respect to a single POWERBALL drawing, the total of the POWERBALL set prizes and the Power Play prizes awarded in a drawing exceeds the percentage in the prize pools allocated to the set prizes, the amount needed to fund those set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous POWERBALL drawings and Power Play drawings, if any.

2. An amount from the POWERBALL set prize reserve account, if available, not to exceed \$40,000,000 per drawing.

(g) If the sources set forth in paragraph (8)(f) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing and associated Power Play drawing, the highest set prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining prizes, the next highest set prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until

all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in paragraph (8)(f) shall be divided among the winning plays in proportion to their respective prize percentages. In the event there are sufficient funds to pay the Powerball set prize amounts but the money available to pay the Power Play prize amounts is insufficient due to an unanticipated number of winners, the Group may announce pari-mutuel shares of the available pool for the Power Play payment only.

(h) Power Play set prizes which become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next drawing.

(i) Except as otherwise provided, all Power Play prizes shall be paid in single, lump-sum payment.

(j) When the POWERBALL set prizes become pari-mutuel, the POWERBALL set prize amounts will be less than the amount shown in paragraph (6)(c) above and the Power Play prizes shall be changed to an amount announced after the drawing.

(9) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer or Lottery office beginning on the day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET). Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL draw date.

(d) Powerball tickets cannot be cancelled.

(10) The effective date of this emergency rule is January 15, 2012.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 1-15-12. Replaces 53ER09-52 and 53ER11-38.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE
EFFECTIVE DATE: January 15, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-7
RULE TITLE: POWERBALL® and PowerPlay® Retailer Incentive

SUMMARY: The rule sets forth the provisions for the POWERBALL® and Power Play® Retailer Incentive.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott, Tallahassee, Florida 32301

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-7 POWERBALL® and Power Play ® Retailer Incentive.

(1) Beginning January 15, 2012, through February 25, 2012, the Florida Lottery will conduct the POWERBALL® and Power Play® Retailer Incentive. For every 20th POWERBALL ticket sold in their stores, Florida Lottery retailers will receive an entry into a retailer drawing for a chance to win \$10,000. Retailers will receive an additional entry for every 20th Power Play ticket sold in their stores.

(2) Entries earned from January 15, 2012, through February 4, 2012, will be entered into Retailer Drawing 1 on February 7, 2012, and entries earned from February 5, 2012, through February 25, 2012, will be entered into Retailer Drawing 2 on February 28, 2012.

<u>Retailer Drawing</u>	<u>Drawing Date</u>	<u>From Entries Earned</u>
<u>1</u>	<u>February 7, 2012</u>	<u>Sunday, January 15, 2012 – Saturday, February 4, 2012</u>
<u>2</u>	<u>February 28, 2012</u>	<u>Sunday, February 5, 2012 – Saturday, February 25, 2012</u>

(3) On each of the two drawing dates, one corporate retailer drawing and one independent retailer drawing will be held for each of the nine Florida Lottery Sales Districts to randomly select winning retailers. One corporate and one independent retailer winner will be selected in Sales District 1 (Tallahassee), Sales District 3 (Pensacola), Sales District 4 (Jacksonville), Sales District 5 (Gainesville), Sales District 10 (Fort Myers) and Sales District 11 (West Palm Beach); two corporate and two independent retailer winners will be selected in Sales District 6 (Orlando) and Sales District 9 (Tampa); and two corporate and four independent retailer winners will be selected in Sales District 13 (Miami). Each winning retailer will receive a cash prize of \$10,000.

<u>Florida Lottery Sales District</u>	<u>Retailer Prize</u>	<u>Number of Corporate Retailer Winners</u>	<u>Number of Independent Retailer Winners</u>
<u>Tallahassee</u>	<u>\$10,000</u>	<u>1</u>	<u>1</u>
<u>Pensacola</u>	<u>\$10,000</u>	<u>1</u>	<u>1</u>
<u>Jacksonville</u>	<u>\$10,000</u>	<u>1</u>	<u>1</u>

Gainesville	\$10,000	1	1
Orlando	\$10,000	2	2
Tampa	\$10,000	2	2
Ft. Myers	\$10,000	1	1
West Palm Beach	\$10,000	1	1
Miami	\$10,000	2	4
Total Number of Retailer Winners Per Drawing		12	14

(4) Retailers will receive their cash prize check within approximately three weeks of the drawing date.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the award of the cash prize shall be paid the cash prize provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(6) A cash prize will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the cash prize earned against a retailer’s outstanding debt to the Florida Lottery.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 1-11-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: January 11, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-8
RULE TITLE: Retailer POWERBALL® Bonus Commission Program

SUMMARY: The Florida Lottery will conduct the Retailer POWERBALL Bonus Commission Program in which bonus commissions will be awarded to the retailer(s) that sells a POWERBALL® or POWERBALL with Power Play® jackpot winning ticket, a POWERBALL 5-of-5 winning ticket or a POWERBALL with Power Play 5-of-5 winning ticket. The emergency rule replaces Emergency Rule 53ER08-86, F.A.C. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-8 Retailer POWERBALL® Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer POWERBALL® Bonus Commission Program (“Program”).

(a) Florida Lottery retailers who sell a winning POWERBALL ticket for a \$40 million starting jackpot will receive a bonus commission of \$20,000. An additional \$20,000 bonus commission will be paid to the retailer if the winning jackpot ticket was a POWERBALL-with Power Play® ticket. In the event that no winning jackpot ticket is sold for a POWERBALL drawing, the bonus commission amount will increase by \$5,000 per drawing until a winning jackpot ticket is sold up to a maximum bonus commission of \$100,000. In the event that multiple Florida Lottery retailers sell a winning POWERBALL or POWERBALL with Power Play jackpot ticket, the bonus commission will be shared equally.

(b) Florida Lottery retailers who sell a POWERBALL ticket that wins \$1 million for matching 5-of-5 numbers will receive a \$1,000 bonus commission.

(c) Florida Lottery retailers who sell a POWERBALL-with Power Play ticket that wins \$2 million for matching 5-of-5 numbers will receive a \$5,000 bonus commission.

(2) Bonus commissions are in addition to the regular five percent sales commission set forth in Emergency Rule 53ER05-14, Florida Administrative Code. Award of a bonus commission is not dependent upon the POWERBALL jackpot winning ticket, POWERBALL 5-of-5 winning ticket or POWERBALL-with Power Play 5-of-5 winning ticket being claimed by the winner.

(3) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(4) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(5) Bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state’s best interest to use such funds for this purpose.

(6) This emergency rule replaces Emergency Rule 53ER08-86, Florida Administrative Code.

(7) The effective date of this emergency rule is January 15, 2012.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 1-15-12. Replaces 53ER08-86.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 15, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-9
 RULE TITLE: WHEEL OF FORTUNE® Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a WHEEL OF FORTUNE® Second Chance Promotion from September 6, 2011, through August 14, 2012, in which special prizes will be awarded. This emergency rule replaces Emergency Rule 53ER11-49, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-9 WHEEL OF FORTUNE® Second Chance Promotion.

(1) Beginning September 6, 2011, and continuing through August 14, 2012, the Florida Lottery (or “Lottery”) will conduct the WHEEL OF FORTUNE® Second Chance Promotion in which players can enter their non-winning WHEEL OF FORTUNE® Florida Lottery Scratch-Off tickets on the Florida Lottery website for a chance to win one (1) of eight (8) trips to Hollywood, California, and a chance to play a lottery players-only, non-broadcast game of WHEEL OF FORTUNE® and win up to one million dollars (\$1,000,000).

(2) To enter a non-winning WHEEL OF FORTUNE® Scratch-Off ticket in one of the Hollywood Trip Grand Prize Second Chance Drawings (“Hollywood Trip Drawings”) further described in paragraph (4)(a) below, players must enter on the Florida Lottery’s website at www.flalottery.com. On the home page of the Lottery’s website, players can click on the WHEEL OF FORTUNE®-banner(s) and follow the directions. Players will be prompted to log in or register. The 24-digit ticket serial number (4-digit game number and 20-digit ticket number) is located at the bottom on the front of a WHEEL OF FORTUNE®-Scratch-Off ticket under the latex covering. Players are to Scratch off the latex covering to reveal the number and enter the 20-digit ticket number in the designated ticket entry area on the website. At the time of entering a non-winning WHEEL OF FORTUNE®-ticket, players will be provided an option to play the WHEEL OF FORTUNE® interactive game on the website, where the number of entries and the Wheel Gold Award assigned to the ticket will be revealed. If players choose not to play the game or if they experience technical problems while playing the game, the entries that would have been revealed in the course of playing

the game will be credited to their entry account for that draw period. Each non-winning WHEEL OF FORTUNE® Scratch-Off ticket is randomly assigned a predetermined number of entries from 1 to 5, and a predetermined Wheel Gold Award from 25 to 500 that can be used on the Game Show Network’s Facebook page to play the WHEEL OF FORTUNE® Facebook game.

(3) Players may enter as many times as they wish during the contest period; however, each valid ticket number may only be used one (1) time, for one (1) opportunity to receive entries in one (1) Hollywood Trip Drawing. All entries received from September 6, 2011, through 11:59:59 p.m. (ET) on August 14, 2012, excluding entries selected as winners in the Hollywood Trip Drawings, will also be included in the Preliminary Multi-State Second Chance One Million Dollar Bonus Drawing (“Preliminary Drawing”) on August 16, 2012. Non-winning WHEEL OF FORTUNE® Scratch-Off tickets entered from January 11, 2012 through August 14, 2012, will be eligible only for entry in the Preliminary Drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned. The odds of winning are dependent upon the number of entries received. Winning WHEEL OF FORTUNE® tickets cannot be used for entry in the promotion.

(4) Drawings.

(a) Hollywood Trip Drawings. Four (4) Hollywood Trip Drawings will be held during the period of October 5, 2011, through January 11, 2012, from entries received by midnight the night before each drawing. The drawing dates are:

<u>Drawing</u>	<u>Drawing Date</u>	<u>From Entries Received</u>
1	<u>Wednesday, October 5, 2011</u>	<u>September 6, 2011 – October 4, 2011</u>
2	<u>Wednesday, November 2, 2011</u>	<u>October 5, 2011 – November 1, 2011</u>
3	<u>Wednesday, November 30, 2011</u>	<u>November 2, 2011 – November 29, 2011</u>
4	<u>Wednesday, January 11, 2012</u>	<u>November 30, 2011 – January 10, 2012</u>

1. In each of the four (4) Hollywood Trip Drawings, two (2) Grand Prize winners will each win a trip to Hollywood, California, and fifteen (15) Second Prize winners will each win a Nintendo Wii™ video game system with a WHEEL OF FORTUNE® video game. A total of eight (8) Grand Prizes and sixty (60) Second Prizes will be awarded in the Hollywood Trip Drawings.

2. The first two (2) valid entries drawn will each win a Grand Prize and the third through seventeenth valid entries drawn will win a Second Prize. The third through seventeenth valid entries will be used in the order in which they were drawn to select an alternate Grand Prize winner in the event the Grand

Prize cannot be awarded. The Florida Lottery will attempt to notify each winner by telephone, U.S. mail or email using the contact information provided in the winner's registration data no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a Grand Prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner. If the Florida Lottery is unable to contact the alternate winner within three (3) weeks, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted and the prize is claimed in accordance with subparagraph (4)(a)3. below, or the Florida Lottery has exhausted the list of available alternates, provided that, to meet the schedule for the Hollywood Trip, which is anticipated to take place on or about April 17, 2012, the last date upon which the Lottery will attempt to contact an alternate winner will be March 1, 2012. If the Lottery is unable to contact an alternate by that date, the Grand Prize will not be awarded. An alternate winner who has not claimed the Second Prize at the time of notification will be awarded only the Grand Prize. An alternate winner who has claimed the Second Prize at the time of notification may retain the Second Prize. If the Florida Lottery is unable to contact a Second Prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Second Prize will not be awarded.

3. All entries in the Hollywood Trip Drawings are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a prize in a Hollywood Trip Drawing, the player must submit to the Florida Lottery the original valid non-winning WHEEL OF FORTUNE® ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL-173-2, revised 02/11 or Spanish Winner Claim Form DOL-173-2S, revised 02/11, appropriate identification and a notarized Florida Lottery Release and Authorization Form DOL-474, revised 10/08 or Spanish Florida Lottery Release and Authorization Form DOL-474S, effective 09/11, within seven (7) days of notification by the Florida Lottery that they are a winner. If a winner does not return the required forms within seven (7) days of notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. Forms DOL-173-2, DOL-173-2S, DOL-474, and DOL-474S are hereby incorporated by reference and may be obtained at any Lottery office, from the Florida Lottery's website at www.flalottery.com, or by writing to: Florida Lottery, Office of Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

4. Upon the Florida Lottery's receipt of a winner's required documentation, the Lottery will notify the primary fulfillment company, Scientific Games International, Inc. ("SGI") of the name of the winner. SGI will ship the Wii™ and WHEEL OF FORTUNE® video game package prizes to Second Prize winners within approximately fifteen (15) business days after notification from the Florida Lottery. The estimated retail value of the Second Prize is two hundred fifty dollars (\$250). The fulfillment company will contact the Grand Prize winners within approximately ten (10) days to make arrangements for the Hollywood Grand Prize trip.

5. The prizewinners in each Hollywood Trip Drawing will be posted on www.flalottery.com, on the day of the draw.

(b) Multi-State Second Chance One-Million Dollar Bonus Drawing. One (1) Preliminary Multi-State Second Chance One-Million Dollar Bonus Drawing ("Preliminary Drawing") will be held on August 16th, 2012, from entries received between September 6, 2011, and 11:59:59 p.m. (ET) on August 14, 2012, and not selected for a Hollywood Trip in a Hollywood Trip Drawing. Eight (8) entries will be randomly selected to be included in the Multi-State Second Chance One-Million Dollar Bonus Drawing ("Multi-State Bonus Drawing") for a chance to win a cash prize of up to one million dollars (\$1,000,000). The Multi-State Bonus Drawing will include eligible entries from all participating lotteries, including the eight (8) Florida Lottery entries selected in the Preliminary Drawing, and will be held on or about September 17, 2012. Lottery players will not be present for the Multi-State Bonus Drawing event. In the Multi-State Bonus Drawing, one (1) entry will be selected to win a prize of up to one million dollars (\$1,000,000) with a minimum prize amount of fifty thousand dollars (\$50,000). Four (4) additional entries will be selected as alternates. The lottery from which the Million Dollar Bonus entry originated will make all reasonable efforts to contact the winner within thirty (30) business days following the date of the drawing. If personal contact is not made within thirty (30) business days following the date of the drawing, reasonable efforts will be made to contact the first alternate. If the winner or an alternate is from Florida, the Florida Lottery will attempt to notify the winner or alternate by telephone, U.S. mail or email using the contact information provided in the winner's registration data within thirty (30) business days following the date of the drawing. If personal contact is not made within thirty (30) business days following the date of the drawing, the winner or alternate will forfeit his or her right to claim the prize and the prize will be awarded to an alternate winner. This process will continue until an alternate winner is contacted.

(5) Hollywood Trip Grand Prize. Each Hollywood Trip Grand Prize winner ("Grand Prize winner") will win a five-day, four-night trip for the Grand Prize winner and up to three (3) guests to Los Angeles, California. Each prize includes:

1. Roundtrip coach airfare for up to four (4) people from any U.S. airport to Los Angeles, California (inclusive of all associated airfare fees, taxes and surcharges);

2. All ground transfers between the airport and the hotel, studio, various Hollywood and/or Los Angeles area attractions and Scientific Games International, Inc. ("SGI") hosted events;

3. Accommodations of up to two (2) deluxe hotel room(s) for four (4) nights (double occupancy, room and room tax only); and

4. Four thousand one hundred twenty-five dollars (\$4,125) in cash, less tax withholding on the value of the Hollywood trip.

(6) Grand Prize winners and their guest(s) will be provided a welcome reception the evening of their arrival to Hollywood and a grand finale party on their last evening in Hollywood.

(7) Pre-Production Day. The Hollywood Trip Grand Prize includes a pre-production day on the WHEEL OF FORTUNE® stage at Sony Pictures Studios to be attended by Grand Prize winners and guests. The pre-production day will provide the opportunity for all Grand Prize winners to spin the WHEEL OF FORTUNE® wheel one (1) time ("Wheel Spin") for a chance to win a cash prize ranging from three-hundred dollars (\$300) to ten-thousand dollars (\$10,000). During the pre-production day, Grand Prize winners will also participate in the selection process to determine which Grand Prize winners will play in the ten (10) non-broadcast experiential WHEEL OF FORTUNE® games (each an "Experience Game") to take place on the production days that follow. Grand Prize winners from all participating state lotteries will be divided into ten (10) groups (each a "Show Group"). Three (3) Grand Prize winners from each Show Group (the "Grand Prize Winner Contestants") will be randomly selected to play in the Experience Games. A total of thirty (30) Grand Prize Winner Contestants shall be selected to play the ten (10) Experience Games, and each Experience Game shall be collectively played by three (3) Grand Prize Winner Contestants.

(8) Experience Game Production Days. The Hollywood Trip Grand Prize includes one (1) Experience Game ticket to WHEEL OF FORTUNE® for the Grand Prize winner and each of the Grand Prize winner's guest(s). Grand Prize winners' guests may sit with Grand Prize winners in the audience but will not be eligible to be contestants on the Experience Game. Grand Prize Winner Contestants will attend training to review the rules of the Experience Game and learn how to play WHEEL OF FORTUNE®. Grand Prize Winner Contestants shall play a non-broadcast Experience Game on the WHEEL OF FORTUNE® stage with Pat Sajak and Vanna White, and have the opportunity to win cash and vehicle prizes; and, as part of a bonus round, may have a chance to win up to one-million dollars (\$1,000,000) if the million dollar prize is qualified during regular game play to be added to the bonus round.

(9) Million Dollar Bonus Wheel Spin-Off. Following the completion of the Experience Games, a special one-million dollar (\$1,000,000) bonus spin-off event (the "Million Dollar Bonus Wheel Spin-Off") will occur. A random drawing will be conducted among all Grand Prize winners from each Show Group to select one (1) Grand Prize winner from each Show Group to become a contestant ("Spin-Off Contestant") in the Million Dollar Bonus Wheel Spin-Off. Each Spin-Off Contestant selected from the Experience Games will spin the WHEEL OF FORTUNE® Bonus Wheel ("Bonus Wheel") in Round One for a chance to advance to Round Two. If the Spin-Off Contestant advances to Round Two, the Spin-Off Contestant will spin the Bonus Wheel for a chance to win up to one-million dollars (\$1,000,000). Spin-Off Contestants are guaranteed to win a minimum prize amount of five-thousand dollars (\$5,000).

(10) The Grand Prize Trip does not include: mileage, insurance, gratuities, meals, parking fees, baggage fees, alcoholic beverages (other than those served without charge at any reception and/or party), any items not expressly specified and personal expenses such as telephone calls, valet service, laundry, incidentals and the like, as well as revision or cancellation fees which may be charged by the hotel or other suppliers.

(11) The Grand Prize Trip is not transferable or assignable without the express written consent of the Lottery. If the Prizewinner advises the Lottery in advance that he or she is unable to take the Grand Prize Trip, the Grand Prize winner will receive the cash portion of the Grand Prize and may designate a proxy to use the travel portion of the Grand Prize in his or her stead and participate in the Experience Game; in such event, the Grand Prize winner shall receive any prize won by the proxy and the Grand Prize Trip and all prizes won by the proxy in the Experience Game will be taxable to the Grand Prize winner.

(12) If a Grand Prize winner is traveling via air and fails to appear at the designated time and place of departure, the airfare portion of the prize shall be forfeited and the Grand Prize winner shall be responsible for making alternative arrangements to travel to Los Angeles at his or her own expense.

(13) Unless prior alternative arrangements have been made, if a Grand Prize winner fails to check in to the hotel when he or she arrives in Los Angeles, the hotel portion of the prize shall be forfeited.

(14) If a Grand Prize winner fails to arrive at the studio for his or her scheduled participation in the non-broadcast Experience Game, the Grand Prize winner forfeits the right to personally participate in an Experience Game; however, a proxy shall play in the Grand Prize winner's place and all prizes won by the proxy shall be awarded and taxable to the Grand Prize winner.

(15) In the event that a Grand Prize winner is unable to attend the trip due to unforeseen circumstances, and there is insufficient time to designate a person to take the trip in his or her stead as described in subsection (12) above, the balance of the trip prize shall be forfeited; however, the Lottery or SGI will appoint a proxy to play the Experience Game for the Grand Prize winner. The Grand Prize winner shall receive and be taxable on any prizes won by the proxy.

(16) The Grand Prize winner must be 18 years of age or older to play the WHEEL OF FORTUNE® Experience Game.

(17) The minimum age requirement for any audience member at WHEEL OF FORTUNE® is eight (8) years.

(18) The Grand Prize winner is solely responsible for the actions of the guest(s) who accompanies the Prizewinner to the event. If a Grand Prize winner's guest is a minor, the Grand Prize winner must either be the parent or legal guardian of such guest, or must present a notarized, written consent from the minor's parent or legal guardian for the minor guest to accompany the Grand Prize winner on the Grand Prize Trip.

(19) The Grand Prize winners, designee(s), or guest(s) must have a valid credit card or shall be required to post cash deposit for incidentals to check in to the hotel.

(20) Taxes.

(a) The Lottery shall withhold from the four-thousand, one-hundred, twenty-five dollars (\$4,125) cash portion of the Hollywood Trip Grand Prize federal income tax withholding on the total retail value of the Hollywood Trip Grand Prize. The total retail value of each Hollywood Trip Grand Prize is twelve-thousand, five-hundred dollars (\$12,500).

(b) Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash awarded in connection with the Second Prizes in the Hollywood Trip Drawings from which to withhold taxes, a nonresident alien claimant who is selected as a winner of a Second Prize will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(c) SGI shall pay prizewinners the Pre-Production Day prizes, the Million Dollar Bonus Wheel Spin-Off prizes, and the prize awarded in the Million Dollar Bonus Drawing. SGI shall withhold federal and any applicable state withholding tax payments on behalf of each prizewinner and mail a check and IRS Form W-2G to the prizewinner within ten (10) business days.

(d) PCI, the prize fulfillment company for Sony Pictures Consumer Products, as agent for Califon Productions, Inc., shall pay all cash prizes won by Prizewinner Contestants on the Experience Game shows. PCI shall withhold federal and California withholding tax payments and provide each winner the appropriate IRS tax Form.

(e) Prizewinner Contestants may opt to take the cash equivalent of any vehicle prizes won during the Experience Game. In such case, PCI shall withhold federal and California withholding tax payments on behalf of each Prizewinner Contestant that selects the cash option. If a Prizewinner Contestant waives the cash option, PCI shall fulfill the vehicle prize and provide each winner the appropriate IRS tax Form. The Prizewinner Contestant shall be responsible for the payment of any applicable taxes on the value of the vehicle.

(f) Except as specifically mentioned herein, payment of all federal, state and/or local taxes or other fees on the prizes won in conjunction with a winner's participation in the WHEEL OF FORTUNE® Second Chance Promotion will be the responsibility of the winner.

(21) The Florida Lottery, SGI, PCI and their respective parent companies, affiliates, subsidiaries, directors, officers, agents and employees assume no liability or responsibility for damages, losses, or injury resulting from this promotion or the acceptance or use of a prize and provide no warranty for any prizes won on WHEEL OF FORTUNE® Experience Game. Any warranties and guarantees are those of the manufacturer only.

(22) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(23) No cash option is available in lieu of WHEEL OF FORTUNE® Second Chance Promotion non-cash prizes awarded by the Florida Lottery. No substitutes for prizes are available, except by the Florida Lottery, which reserves the right, in its sole discretion, to substitute different prizes of comparable value should the Grand Prize or Second Prize become unavailable.

(24) If the winner of a Hollywood Trip Grand Prize is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with Section 24.115, F.S. If the debt is an amount less than the cash portion of the prize, the non-cash portion of the prize and the cash portion of the prize less withholding taxes and the amount owed, shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, F.S., and the winner will receive the remaining non-cash portion of the prize, if any.

(25) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder.

(26) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(27) By entering the WHEEL OF FORTUNE®-Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to SGI and PCI for prize fulfillment purposes.

(28) By entering the WHEEL OF FORTUNE®-Second Chance Promotion, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(29) WHEEL OF FORTUNE®-Hollywood Trip Grand Prize Second Chance Drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery’s website at flalottery.com.

(30) This offer is void where prohibited by law.

(31) This emergency rule replaces Emergency Rule 53ER11-49, F.A.C.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 1-11-12, Replaces 53ER11-49.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: January 11, 2012

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Dunnellon Police Department on behalf of 4 officers for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue completed the course of fire for the 2008 reporting cycle, however, they were not supervised by a CJSTC-certified firearms instructor. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement, their only deficiency being that the officers were supervised by non-CJSTC-certified firearms instructors for the 2008 mandatory reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Indian Shores Police Department on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue completed the course of fire for the 2008 reporting cycle, however, he was a CJSTC-certified firearms instructor and requalified himself with a non-CJSTC-certified firearms instructor calling the course of fire for the instructor. Petitioner states that the officer will suffer a substantial hardship if his certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement, his only deficiency being that his course of fire was supervised by non-CJSTC-certified firearms instructor for the 2008 mandatory reporting cycle and that he supervised himself as to the paperwork.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Levy County Sheriff’s Office on behalf of 13 officers for the 2008 (7/1/2006 – 6/30/2008) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue completed the course of fire for the 2008 reporting cycle, however, they were supervised by non-CJSTC-certified firearms instructors. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement, the only deficit being that their requalifications were supervised by non-CJSTC-certified firearms instructors for the 2008 mandatory reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., by the Manatee County Sheriff's Office Training Center. Paragraph 11B-35.001(9)(b), F.A.C., requires officer completing Specialized Training courses to pass an end-of-course examination with a score of 85% or better. Petitioner supports the requested waiver by stating that the instructor and the student at issue both believed that a passing score for the course was still 75% and not 85% because the rule change mandating a higher passing score had taken effect less than one month prior to the commencement of the week-long course at issue. The Petitioner states that the student at issue is a full-time law enforcement officer and that he would suffer a substantial hardship if his score is not recognized as a passing score because he will not receive the benefit of his retraining and will be obliged to repeat the entire course. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement according to the rules as they existed one month prior to the date the officers took the end-of-course examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Miccosukee Police Department on behalf of eleven officers for the 2008 (7/1/2006 – 6/30/2008) and one officer for the 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting cycles. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue completed the course of fire for the 2008 and 2010 reporting cycles, however, they were not supervised by a CJSTC-certified firearms instructor. In the case of one officer, who had become a CJSTC-certified firearms instructor during the 2010 cycle, he signed his own CJSTC 86A form. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the

requirement. In one instance, the officers were supervised by non-CJSTC-certified firearms instructors for the 2008 mandatory reporting cycle; and in another instance, one officer signed his own CJSTC 86A form for the 2010 mandatory firearms requalification reporting cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from St. Pete Beach Police Department on behalf of 24 officers for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting cycles. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue completed the course of fire for the 2008 and 2010 reporting cycles, however, they were not supervised by a CJSTC-certified firearms instructor. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because they were supervised by non-CJSTC-certified firearms instructors for the 2008 and 2010 mandatory firearms requalification reporting cycles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

The Southwest Florida Water Management District hereby gives notice on November 30, 2011, the Southwest Florida Water Management District received a petition for a rule waiver from Hakim Two Family Limited Partnership seeking a waiver from paragraph 40D-1.607(1)(a) and Rules 40D-1.602, F.A.C., requiring it to obtain an Environmental Resource Permit and to pay the associated permit processing fee. The Notice of Variances and Waiver was published in the Florida Administrative Weekly on December 16, 2011. The Petition was dismissed without prejudice because it was not in substantial compliance with the requirements of Section 120.542(5), F.S. and subsection 28-104.002(2), F.A.C., of the Uniform Rules of Procedure. On December 27, 2011, the District issued an Order of Dismissal Without Prejudice. Petitioner was granted leave to file an amended petition within 14 days of the date of the Order of Dismissal. On January 10,

2012, the District received a Revised Petition for Waiver of Rule 40D-1.607, F.A.C., from Petitioner. Any interested person or other agency may submit written comments on the revised petition within 14 days of the date this notice is published.

A copy of the Order or additional information may be obtained by contacting: Barbara Martinez, Office of General Counsel, Southwest Florida Water Management District, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2011062).

DEPARTMENT OF MANAGEMENT SERVICES

The Department of Management Services hereby gives notice that the Department of Management Services, Division of Telecommunications, received a Petition for Variance. On October 20, 2011, the Citrus County Sheriff’s Office submitted a petition seeking a permanent variance of the rule prohibiting auto dialers from being routed to a 911 system unless they allow two-way voice communication and have the capability of forced disconnection by the Public Safety Answering Point (PSAP) under subsection 60FF-6.005(7), F.A.C. Notice of the Petition for Variance was published in the November 13, 2011, edition of the Florida Administrative Weekly. Petitioner’s request for a permanent variance is denied. Petitioner’s request failed to demonstrate that the purpose of the underlying statute will be or has been achieved and that application of the rule would create a substantial hardship or that principles of fairness would be violated.

A copy of the Order or additional information may be obtained by contacting: Debbie Shoup, Agency Clerk, Florida Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399, Debbie.Shoup@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 17, 2012, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hoffman Building in Winter Haven, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.2.5, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that pipes not associated with the elevator be guarded so any discharge would not affect the operation of the elevator which poses a significant economic/financial hardship.

Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-018).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 9, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 204 West in Gainesville, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4, 2.3.1, 2.3.3, 3.10.4(t), 3.11.1, 3.4.3(d), 3.3.3 and 3.10.3 as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters’ emergency operations, restricted door openings, means to access the pit, a pit stop switch, in-car stop switch, car emergency signaling device, sight guards, safety switch on hinged platform sills and top-of-car operating device which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-014).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Cape Coral High School. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-015).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 17, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Community Services Building in West Palm Beach, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.3, 1996 edition, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative

Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship.

Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-017).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 4, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Mirasol Apartments in Tampa, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires replacing the hydraulic cylinder with one with a safety bulkhead which poses a significant economic/financial hardship.

Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-004).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for New Hotel Project at 101 Coronado Drive, Clearwater, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-016).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 5, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tower East in Pensacola, FL. Petitioner seeks a

variance of the requirements of an unspecified Section of A17.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires unspecified ADA compliance which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-006).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on January 5, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tower Plaza. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires an unspecified modernization of the elevator which poses a significant economic/financial hardship.

Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-005).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on January 11, 2012, the Board of Clinical Laboratory Personnel, received a petition for Candace Diane Fennell. Petitioner is seeking a variance or waiver of paragraph 64B3-5.003(3)(a), Florida Administrative Code, which sets forth the requirements for a specialty licensure as a technologist in Molecular Pathology.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on January 13, 2012, the Board of Medicine, received a petition for waiver filed by Migdalis Matos Gonzalez, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the applicant's Area of Critical Need application.

Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State**, Office of Cultural, Historical and Information Programs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 3, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9395093665

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the Viva Florida 500 initiative to commemorate Florida's 500-year anniversary, or Quincentennial, of the landing of European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building in local communities around the state. Agenda will be posted on www fla500.com from January 27, 2012.

A copy of the agenda may be obtained by contacting: Rachel Porter, Special Programs Coordinator at (850)245-6360 or rachel.porter@dos.myflorida.com.

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: Rachel Porter, Special Programs Coordinator at (850)245-6360 or rachel.porter@dos.myflorida.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).

For more information, you may contact: Rachel Porter, Special Programs Coordinator at (850)245-6360 or email: rachel.porter@dos.myflorida.com.

The **Division of Historical Resources**, Florida Folklife Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2012, 11:00 a.m. – conclusion

PLACE: R.A. Gray Building, Room 404, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct council business and review an interim draft of the new long-range plan for the Florida Folklife Program.

A copy of the agenda may be obtained by contacting: Suzanne Huffman, (850)245-6333 or via email: Suzanne.Huffman@DOS.MyFlorida.com

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: Suzanne Huffman, (850)245-6333 or via email: Suzanne.Huffman@DOS.MyFlorida.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Suzanne Huffman, (850)245-6333, email: Suzanne.Huffman@DOS.MyFlorida.com.

The Florida **Department of State, Division of Library and Information Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 6, 2012, 8:15 a.m. – 8:30 a.m. (EST)

PLACE: Archives Conference Room, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Library Council Governmental Affairs Subcommittee will review and discuss matters and issues related to the programs and/or activities of the Division of Library and Information Services. Subject matter may include issues that have local or statewide impact on the Division and/or the services it provides to Florida's citizens, and strategies to promote the Division's values and work.

A copy of the agenda may be obtained by contacting: Judith Ring, Division Director, (850)245-6600.

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 five days before the workshop/meeting by contacting: (850)245-6600 or TDD (850)922-4085. 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 **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 6, 2012, 9:00 a.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6400.

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: Elyse Cornelison, Museum of Florida History, (850)245-6400. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elyse Cornelison, Museum of Florida History, (850)245-6400.

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2012, 4:00 p.m.

PLACE: R. A. Gray Building, Room 302A, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs at (850)245-6470 or email: mblewis@dos.state.fl.us.

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: Laura Blischke, Division of Cultural Affairs, (850)245-6470. 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).

For more information, you may contact: Morgan Lewis, Division of Cultural Affairs at (850)245-6470 or email: mblewis@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend:

EXECUTIVE COMMITTEE TELECONFERENCES

DATE AND TIME: February 2, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: February 23, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: March 8, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: March 29, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: April 12, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: April 26, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: May 10, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: May 24, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: June 21, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: July 5, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: July 19, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: August 9, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: August 30, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: September 27, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: October 18, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: November 8, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: November 29, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: December 13, 2012, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: January 3, 2013, 10:00 a.m. – 11:30 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Please be advised that meetings and meeting rooms maybe subject to change. For updates please visit: <http://www.cssbmb.com>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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).

For more information, contact: Bureau of Criminal Justice Programs at (850)414-3300.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend:

FULL COUNCIL TELECONFERENCES

DATE AND TIME: February 7, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: March 20, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: April 17, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: May 29, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: June 12, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: July 31, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: August 14, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: September 11, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: October 9, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: October 30, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: December 4, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

DATE AND TIME: January 8, 2013, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Please be advised that meetings & meeting rooms maybe subject to change. For updates please visit <http://www.cssbmb.com>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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).

For more information, contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 21, 2012, 10:00 a.m.

PLACE: Nora Mayo Hall, Florida Room, 500 Third St., N.W., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom, Inc., Board of Directors will gather for a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at gaskalla@ufl.edu.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 21, 2012, 9:00 a.m. – 10:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4873444

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Viticulture Advisory Council announces a public meeting to which all persons are invited. Research, Promotion, and Legislative Committee Reports, Report on Viticulture Trust Fund Collections.

A copy of the agenda may be obtained by contacting: Tom Thomas, (850)922-9827.

For more information, you may contact: Tom Thomas, (850)922-9827.

DEPARTMENT OF EDUCATION

The **Blind Services Foundation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 9, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 5955282

GENERAL SUBJECT MATTER TO BE CONSIDERED: Blind Services Foundation Projects Committee to discuss possible future projects.

A copy of the agenda may be obtained by contacting: Craig Kiser, 256 Cocoa Lane, Venice, FL 34293, (850)345-9122.

The **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 10, 2012, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 or by calling (904)827-2210.

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: L. Daniel Hutto, President. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 or by calling (904)827-2210.

The **Florida State College at Jacksonville**, District Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: February 7, 2012, 12:00 Noon – 2:00 p.m.

PLACE: Kent Campus, Room E-112A, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid-Year Review of Major Priorities for 2011-12.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: February 7, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Kent Campus, Room D-120, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: February 7, 2012, 3:00 p.m. – 5:00 p.m.

PLACE: Kent Campus, Room D-111, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, January 31, 2012, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida State College at Jacksonville, on or before February 7, 2012. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of February and March 2012, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m., Administrative Offices, Room 403A, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Steven R. Wallace
College President

The **Gulf Coast State College**, District Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2012, 10:00 a.m.

PLACE: William C. Cramer Jr. Seminar Room (Room 306), SUW, Gulf Coast State College, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Gulf Coast State College District Board of Trustees will hold a meeting. Contact person for the meeting is Dr. Jim Kerley, President, Gulf Coast State College.

A copy of the agenda may be obtained by contacting: Dr. Steve Nettles, District Board of Trustees Liaison, Director of Institutional Effectiveness, Gulf Coast State College.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** “The Commission” announces a public meeting to which all persons are invited.

The Energy Technical Advisory Committee

DATE AND TIME: February 15, 2012, 2:00 p.m.

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1045158897; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and decide on approval of Energy Code simulation software submitted for consideration by the Florida Building Commission and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Ann Stanton, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)487-1824.

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 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Department of Business and Professional Regulation, (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).

For more information, you may contact: Ms. Ann Stanton, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)487-1824.

DEPARTMENT OF REVENUE

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: March 20, 2012, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The date, time, or place of a Cabinet meeting is subject to change. Please refer to the Cabinet Agenda posted to the Department’s Internet site at <http://dor.myflorida.com/dor/rules> prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms) and the creation of Rule 12B-4.060, F.A.C. (Tax on Transfers of Ownership Interest in Legal Entities). These rules were noticed in the September 30, 2011, edition of the Florida Administrative Weekly (Vol. 37, No. 39, pp. 2985-2988), and amended as provided in the Notice of Change published in the December 16, 2011, edition of the Florida Administrative Weekly (Vol. 37, No. 50, pp. 4324-4325).

A copy of the agenda may be obtained by contacting: Tammy Miller at (850)617-8346 or by going to the Department’s Internet site: <http://dor.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)617-8346. 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).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation (FDOT)** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, February 8, 2012, Open House: 4:00 p.m. – 8:00 p.m.; Presentations: 5:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn & Suites, Studio Meeting Room, 5905 Kirkman Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 242484-3-52-01.

Project Description: I-4 Ultimate Interchange at Kirkman Road and Extension of Grand National Drive over I-4.

This meeting is held to afford you the opportunity to view plans of the proposed improvements, which are refined since the last public meetings were held. The project involves the reconfiguration of I-4 at the Kirkman Road interchange and the planned extension of Grand National Drive over I-4. Presentations are scheduled at 5:00 p.m. and 7:00 p.m. Representatives from the Florida Department of Transportation and the City of Orlando will be in attendance and available to answer questions.

A copy of the agenda may be obtained by contacting: A flyer will be distributed at the meeting.

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: Ms. Susan Gratch at (407)647-7275 or Susan.Gratch@atkinsglobal.com.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

Persons who require translation services (free of charge) should contact: Ms. Susan Gratch at the phone number above. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Either Beata Stys-Palasz, FDOT, Project Manager at (386)943-5418 or e-mail: Beata.stys-palasz@dot.state.fl.us and/or Ms Susan Gratch, (407)647-7275, e-mail: Susan.Gratch@atkinsglobal.com.

Additional information on the project and a presentation video are also available at www.cflroads.com.

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 9, 2012, 2:00 p.m. – conclusion of business

PLACE: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FTC discussion for upcoming workshop and general business.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

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: Lisa O. Stone at (850)414-4316. 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).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Tallahassee, Florida 32399, (850)414-4105.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, February 9, 2012, Open House: 5:00 p.m.; Presentation(s): 6:00 p.m.

PLACE: St. John the Baptist Catholic Church, 7525 S. US Highway 41, Dunnellon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 238648-1-52-01

Project Description: State Road (SR) 45 (US 41) from 111th Place Lane to approximately S.W. 61st Street, Marion County

The Florida Department of Transportation (FDOT) is conducting a public information meeting regarding plans to reconstruct SR 45 (US 41) in Marion County. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the upcoming project to widen and rehabilitate SR 45 (US 41).

The project entails the reconstruction of the existing roadway from two to four lanes and includes grassed medians, paved shoulders, sidewalks, driveway reconstruction, and full and directional median openings. The project is not currently funded for construction.

A copy of the agenda may be obtained by contacting: Ms. Kathleen C. Enot, Project Manager, Florida Department of Transportation, District Five, 719 South Woodland Boulevard, MS #542, Deland, Florida 32720.

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: Ms. Tanya Kristoff at Reynolds, Smith, and Hills, 10748 Deerwood Park Boulevard, Jacksonville, FL 32256, (904)256-2326, email: tanya.kristoff@rsandh.com.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

Persons who require translation services (free of charge) should contact: Ms. Kathleen C. Enot at (386)943-5149. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Either Ms. Kathleen C. Enot, the FDOT Project Manager at (386)943-5149 or e-mail: Kathleen.Enot@dot.state.fl.us.

Additional information on the project can be obtained at the project specific website: www.us41marion.com or www.cflroads.com.

The **Florida's Turnpike Enterprise** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 23, 2012, Open House: 5:00 p.m. – 6:00 p.m.; Formal Presentation: 6:00 p.m.

PLACE: Minneola City Hall, 800 N. US Highway 27, Minneola, Florida 34715 (In the event that severe weather or other unforeseen conditions cause the meeting to be postponed, it will be held on the alternate date of March 8, 2012 at the same time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their view concerning the location, conceptual design; and social, economic and environmental effects of the proposed interchange of the Florida's Turnpike near Mile Marker 279, north of SR 50, and south of US 27 in Lake County, Florida.

The draft project documents will be available for public review from February 2, 2012 to March 19, 2012 at the following locations: Minneola Schoolhouse Library, 100 S. Main Avenue, Minneola, Florida 34715, (352)432-3291, Monday through Thursday, 9:30 a.m. – 6:30 p.m.; and Florida's Turnpike Enterprise Headquarters, Building 5315, Turkey Lake Service Plaza, Turnpike Mile Post 263, Ocoee, Florida 34761, contact: Ms. Rebecca Bolan at (407)264-3416, Monday through Friday 8:00 a.m. – 5:00 p.m. Draft documents will also be on display at the Public Hearing.

A copy of the agenda may be obtained by contacting: Rebecca Bolan, Florida's Turpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761 or Rebecca.Bolan@dot.state.fl.us.

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: Rebecca Bolan at (407)264-3416 or e-mail: Rebecca.Bolan@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rebecca Bolan at (407)264-3416 or e-mail: Rebecca.Bolan@dot.state.fl.us.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The **Department of Highway Safety, Division of Motorist Services** announces a workshop to which all persons are invited.

DATE AND TIME: February 22, 2012, 2:00 p.m.

PLACE: Neil Kirkman Building, 2900 Apalachee Parkway, Auditorium Room A427, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop to discuss development of Chapter 15C-20, F.A.C., including but not limited to establishing program standards for the users of the Department's derelict motor vehicle electronic notification system and establishing fees for such system.

A copy of the agenda may be obtained by contacting: Selma Sauls, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A334, Tallahassee, Florida (850)617-3001 or email: selmasauls@flhsmv.gov.

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: Selma Sauls at (850)617-3001. 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).

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 13, 2012, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Room 116 (Hermitage Conference Room), The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee. The Audit Committee consists of three (3) members appointed by the Board of Trustees (Board), whose purpose is to assist the Board in fulfilling its oversight responsibilities. The Committee shall serve as an independent and objective party to monitor processes for financial reporting, internal controls and risk assessment, audit processes, and compliance with laws, rules, and regulations. The Audit Committee operates under Section 215.444(2)(c), Florida Statutes.

Any changes to the above meeting date and/or time (including the cancellation of such meeting) will be posted on the SBA's website: <http://www.sbafla.com> at least 7 calendar days prior to the meeting.

A copy of the agenda may be obtained by contacting: Elizabeth Scott, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308.

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: James Linn, (850)413-1166 or email: james.linn@

sbafla.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).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 14, 2012, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda and recommendations are accessible on the PSC Website: <http://www.floridapsc.com>, at no charge or can be purchased by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 at a cost of 15 cents per single sided page or 20 cents per duplexed page.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: February 14, 2012, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism & Community Service, Volunteer Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 7, 2012, 1:00 p.m. – 6:00 p.m.

PLACE: City Year Miami, 44 West Flagler Street, Suite 500, Miami, FL 33130

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission members will perform a City Year Miami Office Visit and a site visit of Charles Drew Middle School.

A copy of the agenda may be obtained by contacting: kristin@volunteerflorida.org.

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 72 hours before the workshop/meeting by contacting: kristin@volunteerflorida.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: kristin@volunteerflorida.org.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, February 13, 2012, 4:00 p.m.; Executive Committee Meeting, 3:00 p.m.

PLACE: West Florida Regional Planning Council, 4081 East Olive Road, Suite A, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: General matters of the West Florida Regional Planning Council and the above mentioned Committee.

A copy of the agenda may be obtained by contacting: www.wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: WFRPC, (850)332-7976. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Terry Joseph, Executive Director, terry.joseph@wfrpc.org or (850)332-7976.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2012, 1:30 p.m.

PLACE: Board of County Commissioners Meeting Facility, 210 South Main Street, Trenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Gilchrist County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Baker County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 16, 2012, 10:00 a.m.

PLACE: Baker County Commission Building, 55 North 3rd Street, Macclenny, Florida 32063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Ed Lehman at elehman@nefrc.org or (904)279-0880.

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 72 hours before the workshop/meeting by contacting: Bonnie Magee at bmagee@nefrc.org or (904)279-0880. 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).

For more information, you may contact: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216 or (904)279-0880.

The Nassau County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 16, 2012, 2:00 p.m.

PLACE: Nassau County Council on Aging, 1367 South 18th Street, Fernandina Beach, Florida 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Ed Lehman at elehman@nefrc.org or (904)279-0880.

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 72 hours before the workshop/meeting by contacting: Bonnie Magee, (904)279-0880 or email: bmagee@nefrc.org. 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).

For more information, you may contact: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216 or (904)279-0880.

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2012, 9:00 a.m.

PLACE: Orange County Emergency Operations Center, 6590 Amory Court, First Floor, Winter Park, FL 32792

GENERAL SUBJECT MATTER TO BE CONSIDERED: Address Change To Previously Published Location for the Orange County Post Disaster Redevelopment Plan workgroup meeting. All other information remains the same.

A copy of the agenda may be obtained by contacting: Matt Boerger, (407)262-7772 or by email: mboerger@ecfrpc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2012, 9:30 a.m.

PLACE: Sebring Airport Authority, Board Room, 128 Authority Lane, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall, (863)534-7130, ext. 129, khall@cfrcpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2012, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Hwy. US 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pending Permit Applications

Permit/Application No. and Project Name

20004406.008 Homosassa Special Water District

43023491.175 Villages of Lake-Sumter, Inc./Villages of Sumter – Brownwood Commercial Area Master Grading

43040459.001 Bay Pines Re-Development

A copy of the agenda may be obtained by contacting: Danielle Sailler, (352)796-7211, ext 4355.

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: SWFWMD, Human Resources Director at 1(800)423-1476, ext. 4702, TDD (FL Only), 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 7, 2012, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2013 requests for project funding in the northern counties of SWFWMD.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

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: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lori.Manuel@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4604 (Ad Order EXE0188).

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2013 requests for project funding in the Tampa Bay region.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

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: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lori.Manuel@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4604 (Ad Order EXE0187).

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 1:00 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agricultural Tour: Governing Board members will tour agricultural properties in the Dover/Plant City area including Roberts Nursery, Florida Pacific Farms and Sewell Farms to observe FARMS projects and Resource Regulation activities.

A copy of the agenda may be obtained by contacting: Lou.Kavouras@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4606 (Ad Order EXE0189).

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: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Meeting

Workshop Meeting

DATE AND TIME: February 8, 2012, 1:00 p.m.

PLACE: Seminole Tribe of Florida, Hollywood Seminole Indian Reservation Headquarters. 6300 Stirling Road, Hollywood, FL 33024

Regular Business Meeting

DATE AND TIME: February 9, 2012, 9:00 a.m.

PLACE: Seminole Tribe of Florida, Hollywood Seminole Indian Reservation Headquarters. 6300 Stirling Road, Hollywood, FL 33024

See website www.sfwmd.gov for directions, map and parking information. All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the

agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If a Workshop item is not heard on 2/8, the item may be heard on 2/9.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and a budget amendment to the District's Fiscal Year 2011-2012 budget. The proposed budget amendment of \$3,137,155 increases the Lake Belt Mitigation Special Revenue Fund, the Lake Belt Mitigation Capital Projects Fund and the Wetlands Mitigation Permanent Fund. The additional revenue was generated by Lake Belt rock mining and will be utilized for restoration, land acquisition, associated costs and long-term management. The total appropriations of the Lake Belt Mitigation Special Revenue Fund is proposed to be \$7,735,110. The total appropriations of the Lake Belt Mitigation Capital Projects Fund is proposed to be \$467,329. The total appropriations of the Wetland Mitigation Permanent Fund is proposed to be \$14,440.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or at www.sfwmd.gov.

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: Jacki McGorty, (561)682-2087. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacki McGorty at (561)682-2087 or jmcgorty@sfwmd.gov.

NOTICE OF CHANGE – The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, Regular meeting, 9:00 a.m.; Public hearing is anticipated to start after completion of the Discussion Agenda but may occur earlier or later in the day

PLACE: NOTE CHANGE of PLACE: Seminole Tribe of Florida, Hollywood Seminole Indian Reservation, 6300 Stirling Road, Hollywood, FL 33024

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2012 Annual Update, included as Chapter 6A; Volume II

of the South Florida Environmental Report. Public comments may be made in person at the public hearing on February 9, 2012. At the conclusion of the public hearing, the District Governing Board will vote on the recommendation to adopt the Plan.

For more information regarding the Plan, please contact: Wanda Caffie-Simpson, Budget Bureau, (561)682-6445, e-mail: wsimpso@sfwmd.gov; South Florida Water Management District Headquarters, 3301 Gun Club Road, Mail Stop Code #7320, West Palm Beach, FL 33406.

A copy of the agenda may be obtained by contacting: (1) District website: www.sfwmd.gov or (2) by writing: South Florida Water Management District, Mail Stop 2214, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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: District Clerk's Office, (561)682-2087. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office, (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Lake Belt Mitigation Committee

DATE AND TIME: February 24, 2012, 9:00 a.m.

PLACE: Building B-1, 3rd Floor, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

Meeting to be teleconferenced: Local SFWMD, (561)682-6700, Nationwide Toll Free: 1(866)433-6299, Meeting ID #: 0428.

A copy of the agenda may be obtained by contacting: Lourdes Elias at (561)682-2706 or website: <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>.

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: District Clerk's office at (561)682-2087. 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).

For more information, you may contact: South Florida Water Management District, Attention: Lourdes Elias, MSC 2113, 3301 Gun Club Road, P. O. Box 24680, West Palm Beach, FL 33416-4680.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Drug Wholesale Distributor Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2012, 9:30 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399-1047; Conference Call: 1(888)808-6959, Conference Code: 6623823948

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: http://www.myfloridalicense.com/dbpr/ddc/council_meeting.html seven days prior to the meeting.

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 10 days before the workshop/meeting by contacting: Drugs, Devices and Cosmetics Program at (850)717-1800. 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).

For more information, you may contact: The Drugs, Devices and Cosmetics Program, 1940 N. Monroe Street, Tallahassee, FL 32399-1047, (850)717-1800.

The **Board of Cosmetology** announces a public meeting to which all persons are invited.

DATES AND TIME: April 2-3, 2012, 9:00 a.m.

PLACE: Plaza Resort & Spa, 600 N. Atlantic Avenue, Daytona Beach, Florida 32118, 1(800)329-8662

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

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: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

NOTICE OF CANCELLATION – The Probable Cause Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, January 23, 2012, 2:00 p.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause meeting scheduled for January 23, 2012, and published in the December 28, 2011, Issue 38/01 of the Florida Administrative Weekly has been CANCELLED.

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission at (407)481-5662.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 3:00 p.m.

PLACE: Teleconference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Compton at 1(888)862-7010.

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: Janet Compton at 1(888)862-7010. 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).

For more information, you may contact: Janet Compton, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Teleconference. The meeting can be accessed via GoToWebinar: <https://www2.gotomeeting.com/register/270625146>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Salinity Network Workgroup to discuss developing indices for groundwater levels and salinity.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399, e-mail: Stephanie.Sunderman@dep.state.fl.us.

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: Ms. Stephanie Sunderman at (850)245-8478 or Stephanie.Sunderman@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE OF CHANGE – The **Acquisition and Restoration Council (ARC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 10, 2012, 9:00 a.m. (Only); Thursday, February 9, 2012, has been CANCELLED

PLACE: Marjory Stoneman Douglas Building, Conference Rooms A&B, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose: The previously noticed meeting of the Acquisition and Restoration Council (ARC) for the purpose of conducting business will proceed as scheduled, and public testimony will be heard on the above date. The public hearing for Thursday, February 9, 2012 has been CANCELLED.

A copy of the agenda may be obtained by contacting: Teresia Whalen, Office of Environmental Services at (850)245-2784 or on the website: www.floridaforever.org.

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: Teresia Whalen, Office of Environmental Services at (850)245-2784 or teresia.whelen@dep.state.fl.us. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Teresia Whalen, Office of Environmental Services at (850)245-2784 or teresia.whelen@dep.state.fl.us.

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 15, 2012, 1:00 p.m. – 5:00 p.m. (No later than 5:00 p.m.); February 16, 2012, 8:30 a.m. – 1:00 p.m.

PLACE: Churchhill Ballroom, Hilton Ocala, 3600 Southwest 36 Avenue, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A general update on the Bureau of Petroleum Storage Systems will be held including updates on performance based cleanup (PBC), “preapproval” standard operating procedures (SOP), and a screening procedure to perform limited assessment on all eligible sites that have not yet received an SRCO.

To obtain a copy of the agenda or more information, please contact: Robert C. Browm at (850)245-8821 or Carol Walters at (850)245-8823 or at 2600 Blair Stone Road, MS #4575, Tallahassee, FL 32399-2400.

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 3 days before the workshop/meeting by contacting: Carol Walters at (850)245-8823. 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 **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, February 21, 2012, 1:00 p.m. – 5:00 p.m.; Wednesday, February 22, 2012, 8:30 a.m. – 12:00 Noon; 1:30 p.m. – 3:30 p.m.

PLACE: Southwest Florida Water Management District, Tampa Service Office, Governing Board Room, 7601 US Hwy. 301, Tampa, FL 33637. The meetings can also be accessed via GoToWebinar: <https://www2.gotomeeting.com/register/245560962> (for 2/21/2012 afternoon session) <https://www2.gotomeeting.com/register/449436418> (for 2/22/2012 morning session) <https://www2.gotomeeting.com/register/220663642> (for 2/22/2012 afternoon session)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The February 21, 2012 afternoon meeting and February 22, 2012 morning meeting are meetings of the Statewide Florida Water Resources Monitoring Council (FWRMC) to discuss the workgroups’ tasks: coordinating a ground water salinity network, gathering information for the monitoring catalog effort, and coordinating six Regional Councils to increase opportunities for local monitoring entities to participate in the FWRMC. The February 22, 2012 afternoon meeting is a meeting of the FWRMC Regional Council Planning Workgroup to discuss logistics for the Regional Councils.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399, e-mail: Stephanie.Sunderman@dep.state.fl.us.

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: Ms. Stephanie Sunderman at (850)245-8478 or Stephanie.Sunderman@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The Florida Coordinating Council for the **Deaf and Hard of Hearing** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 9, 2012, 9:00 a.m. – 5:30 p.m. (EST); February 10, 2012, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Doubletree by Hilton Hotel, 101 South Adams Street, Tallahassee, Florida 32301; Computer assisted realtime translation services will be provided remotely: <http://www.streamtext.net/text.aspx?event=FCCDHH>;

Conference Call: 1(888)808-6959, Event Code: 5221678031#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Accessibility, supports and services for persons who are deaf, hard of hearing, late-deafened or deaf-blind in the State of Florida, committee reports and grant writing methods and strategies.

A copy of the agenda may be obtained by contacting: info@fccdhh.org.

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: MaryGrace_Tavel@doh.state.fl.us, (850)245-4913, Toll Free: 1(800)602-3275, TTY: (850)245-4914, Toll Free

TTY: 1(866)602-3276. 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).

For more information, you may contact: MaryGrace_Tavel@doh.state.fl.us, (850)245-4913, Toll Free: 1(800)602-3275, TTY: (850)245-4914, Toll Free TTY: 1(866)602-3276.

The Florida **Department of Health, Division of Medical Quality Assurance** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 20, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399-3250

GENERAL SUBJECT MATTER TO BE CONSIDERED: The propose of the meeting is to provide training to the budget liaisons for each of the health care boards and councils.

A copy of the agenda may be obtained by contacting: Bill Parizek, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, FL 32399-3253.

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: Bill Parizek, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, FL 32399-3253. 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 **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 8, 2012, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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: The Board at (850)245-4125. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Optometry**, Topical Ocular Pharmaceutical Agents Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 14, 2012, 9:00 a.m.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 9849329103; Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the addition of Natacyn to the formulary.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing the web site at: www.doh.state.fl.us/mqa/optometry/index.html.

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: Sherra W. Causey. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, February 17, 2012, 4:00 p.m. or shortly thereafter; Saturday, February 18, 2012, 9:00 a.m. or shortly thereafter

PLACE: NOVA Southeastern University, Morris Auditorium, 3301 College Avenue, Ft. Lauderdale, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Board.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

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: Christy Robinson, (850)245-4161. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, SunCoast Region announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, February 7, 2012, 2:00 p.m.; Monday, February 13, 2012, 1:00 p.m.

PLACE: 1. Auditorium; 2. Room 803, 9393 North Florida Avenue, Tampa, FL 33612-7236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Contract Award for ITN 23FS12001, The Suncoast Region of the Department of Children and Families intends to conduct Negotiations for the Circuit Thirteen Contract for Community-Based Care Lead Agency, as specified above.

Initial Agenda for these meetings are as follows:

- Contractual Requirements for Circuit 13 Governance
- Structure of Lead Agency for Circuit 13 Operations
- System of Care Lead Agency Functions (In-House and Sub-contracted Services)
- Proposed Service Sites
- Oversight of Contracted Providers
- Bridge Services for Current Circuit 13 Lead Agency Close-out
- Contract Template Requirement Changes
- Quality Assurance and Data Management
- Community Partnerships
- Performance Scorecard/Departmental Performance Expectations
- Community Forums and Feedback for System of Care Improvements

**Additional information regarding these meetings may be available through the Department's internet site: <http://www.dcf.state.fl.us/admin/contracts/>. **

A copy of the agenda may be obtained by contacting: Deborah K. McGinty, (813)558-5753.

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 72 hours before the workshop/meeting by contacting: Sharon L. Pimley-Fong, (813)558-5656. 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).

For more information, you may contact: Deborah K. McGinty, (813)558-5753.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2012, 10:00 a.m.

PLACE: Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399; Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The debriefing meeting of the Department Evaluators for the Request for Proposals for Targeted Case Management Services for Former Political Prisoners in Miami-Dade, Broward, and Palm Beach Counties (RFP #SNR12K02), as provided for in Section 2.5 of the RFP published on the Vendor Bid System (VBS) on December 19, 2011.

A copy of the agenda may be obtained by contacting: Anna Bethea at Anna_Bethea@dcf.state.fl.us.

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: Pamela Thornton at (850)717-4567 or email: Pamela_Thornton@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ECONOMIC OPPORTUNITY

The **Department of Economic Opportunity** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 8, 2012, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399 or by Conference Call: 1(888)808-6959, Conference Code: 7532872126

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

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: Dawn Spath, (850)617-0833. 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).

MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **Moffitt Cancer Center** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 1, 2012, 4:00 p.m.
 PLACE: Conference Call: 1(877)791-9829, Pass Code: 2475242

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cancer Control Resource Advisory Council (CCRAB) Executive Committee General Meeting.

A copy of the agenda may be obtained by contacting: Kimberley.Buccini@Moffitt.org.

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 1 day before the workshop/meeting by contacting: Kimberley.Buccini@Moffitt.org. 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).

For more information, you may contact: Kimberley.Buccini@Moffitt.org.

The **Moffitt Cancer Center** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 2, 2012, 4:00 p.m.
 PLACE: Dial-in Number: 1(888)808-6959, Conference Pass Code: 5088661795#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cancer Control Resource Advisory Council (CCRAB), Goal IV -Survivorship General Membership meeting.

A copy of the agenda may be obtained by contacting: Kimberley.buccini@Moffitt.org.

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 1 day before the workshop/meeting by contacting: Kimberley.buccini@Moffitt.org. 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).

For more information, you may contact: Kimberley.buccini@Moffitt.org.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2012, 2:00 p.m.
 PLACE: UF/IRREC, 2199 S. Rock Road, Fort Pierce, FL 34945-3138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any business as the Authority may deem appropriate or as may come before the Authority; Committee Reports, Minutes, etc.

A copy of the agenda may be obtained by contacting: Treasure Coast Research Park (TCRP) office at (772)467-3107.

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: Treasure Coast Research Park (TCRP) office at (772)467-3107. 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).

For more information, you may contact: Treasure Coast Research Park (TCRP) office at (772)467-3107.

NORTHWOOD SHARED RESOURCE CENTER

The **Northwood Shared Resource Center (NSRC)**, Administrative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 1:30 p.m. – 3:30 p.m.

PLACE: Department of State, 1949 N. Monroe, Suite 79, Room 112, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General SOP review.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **Northwood Shared Resource Meeting (NSRC)**, Technical Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: NSRC, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

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 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **Northwood Shared Resource Center (NSRC)**, Finance & Auditing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 10, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Revenue, 2450 Shumard Oak Boulevard, Bldg. 1, Room 1220, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

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 3 days before the workshop/meeting by contacting: (850)921-4479. 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).

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 6, 2012, 3:00 p.m.

PLACE: CCOC, Department of Revenue, Building B2, Room 2103, Conference Room, 2450 Shumard Oak Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Finance and Budget Workgroup.

A copy of the agenda may be obtained by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell, (850)488-9895, email: rick.mitchell@ssrc.myflorida.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).

For more information, you may contact: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Information Systems Advisory Committee (ISAC)** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 8, 2012, 11:00 a.m.

PLACE: Conference Call: 1(888)273-3658, Access Code: 3976057

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee. A copy of the agenda may be obtained by contacting: The Corporate website: <https://www.citizensfla.com> or Stephanie Martin at (850)519-3515.

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: Stephanie Martin at (850)519-3515. 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).

DESOTO COUNTY LOCAL COORDINATING BOARD – TRANSPORTATION DISADVANTAGED

The **DeSoto County Local Coordinating Board Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2012, 9:30 a.m.

PLACE: DeSoto County Board of County Commissioners, Meeting Room, DeSoto County Administrative Building, 201 East Oak Street, Suite 103, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the DeSoto County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

MARION COUNTY SHERIFF'S OFFICE

The **Florida Model Jail Standards Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2012, 9:00 a.m.

PLACE: Marion County Sheriff's Office, Jail's Information and Visitation Center, N.W. 10th Street, Ocala, FL 34475

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed changes, issues and concerns involving the minimum standards and operations of Florida's county and municipal jails.

A copy of the agenda may be obtained by contacting: Lydia E. Hightower at (352)369-6831.

CHOCTAWHATCHEE RIVER SOIL AND WATER CONSERVATION DISTRICT

The **Choctawhatchee River Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: March 12, 2012; June 11, 2012; September 10, 2012; December 10, 2012, 6:30 p.m.

PLACE: USDA Service Center, Conference Room, 239 John Baldwin Rd., DeFuniak Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda for quarterly meeting.

A copy of the agenda may be obtained by contacting: Mellody Hughes, (850)892-3712, ext. 3.

For more information, you may contact: Mellody Hughes.

COUNCIL OF COMMUNITY COLLEGE PRESIDENTS

The **Association of Florida College Trustee Commission** announces a workshop to which all persons are invited.

DATES AND TIME: February 1-2, 2012, 10:00 a.m.

PLACE: TCC Capitol Center, 300 West Pensacola Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Trustee Commission.

A copy of the agenda may be obtained by contacting: Tina Ingramm, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

The **Florida College System, Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2012, 6:00 p.m.

PLACE: Andrews 228, 228 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Tina Ingramm, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

The **Florida College System, Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2012, 8:00 a.m.

PLACE: TCC Capitol Center, 300 West Pensacola Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Tina Ingramm, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

FLORIDA WORKERS COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA**, Rates and Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 17, 2012, 1:00 p.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include 2011 reserves and an Operations Manual revision.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

AMERICAN CONSULTING PROFESSIONALS

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2012, 5:30 p.m. – 6:30 p.m. (CST)

PLACE: First Presbyterian Church of Milton, 5203 Elmira Street, Milton, FL 32570

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning the proposed bridge replacement of State Road (S.R.) 10 (US 90) over Marquis Bayou in Santa Rosa County. The meeting will be conducted in an open house format (no formal presentation is scheduled). FDOT representatives will be available to discuss the project, answer questions, and receive comments.

A copy of the agenda may be obtained by contacting: FDOT, Project Manager, Clay Hunter, P.E., 1(888)638-0250, ext. 479. 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: Clay Hunter, P.E., at the number listed above or via email: clay.hunter@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Clay Hunter, P.E. at the number listed above or via email: clay.hunter@dot.state.fl.us.

PITMAN HARTENSTEIN AND ASSOCIATES, INC.

The Florida **Department of Transportation**, District Three announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2012, 5:30 p.m. – 6:30 p.m. (CST)

PLACE: Blue Lake Community Center, 1865 Highway 77, Chipley, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT proposes to replace the existing timber bridge at Merry Acres Drive over Helms Branch with a two lane concrete structure, pave the approaches, add new guardrail, minor drainage improvements, sodding, and placement of new signs and pavement markings. Merry Acres Drive will be closed during construction. County Road 273 (Glenwood Avenue), State Road 77 and East Plum Avenue have been identified as detour routes. This meeting is being held in an open house format (no formal presentation is scheduled) to allow citizens an opportunity to preview the proposed design, ask questions and/or submit comments concerning the upcoming project. FDOT representatives will be available to answers questions and receive comments.

A copy of the agenda may be obtained by contacting: Dean Mitchell, P.E., General Consultant Project Manager, 1141 Jackson Avenue, Chipley, Florida 32428, (850)638-2288 or via email: Dean.Mitchell@atkinglobal.com.

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: Dean Mitchell, P.E. at the contact information listed above. 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).

For more information, you may contact: Dean Mitchell at the number or email address listed above.

The Florida **Department of Transportation**, District Seven announces a hearing to which all persons are invited.

DATE AND TIMES: Thursday, February 23, 2012, 5:00 p.m. – 7:00 p.m.; Formal Presentation and Public Comment, 6:00 p.m.

PLACE: First Church of the Nazarene, 6151 12th Street, Zephyrhills, FL 33542

GENERAL SUBJECT MATTER TO BE CONSIDERED: WPI Segment No. 256422-2. The proposed improvements will provide for the reconstruction of the existing two-lane, two-way undivided roadway to multi-lane, one-way roadways portions of either US 301/S.R. 41 (Gall Blvd.) or 7th Street for the northbound roadway. The project will extend from a realigned intersection of S.R. 39 with US 301/S.R. 41 (Gall Blvd.) to south of C.R. 54 near North Avenue/Geiger Road. Exhibits and other project information will be on display for viewing. For additional information please contact the FDOT Project Manager at the information provided below.

A copy of the agenda may be obtained by contacting: Ming Gao, P.E., Intermodal Systems Development Manager, 11201 N. McKinley Drive, MS #7-500, Tampa, FL 33612-6456.

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: Ms. Robin Rhinesmith, Project Manager, 1(800)226-7220, (813)975-6496 or email: robin.rhinesmith@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Robin Rhinesmith, Project Manager at information listed above.

QCAUSA

The Florida **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 21, 2012, 5:00 p.m. – 6:00 p.m. (CST)

PLACE: City of Panama City Beach, City Hall, Commission Chambers, 110 South Arnold Road, Panama City Beach, FL 32413

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed improvements to State Road (S.R.) 30 (US 98A/ Front Beach Road) from S.R. 30A (US 98/Back Beach Road) to S.R. 79 (Arnold Road) and the proposed improvements to S.R. 79 (South Arnold Road) from S.R. 30 (Front Beach Road) to S.R. 30A (US 98/Panama City Beach Parkway).

A copy of the agenda may be obtained by contacting: Greg Rogers, FDOT, Project Manager, toll-free at 1(888)638-0250, extension 755 or by email: greg.rogers@dot.state.fl.us.

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: Greg Rogers, FDOT Project Manager, toll free at 1(888)638-0250, extension 755 or by email: greg.rogers@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ian Satter at 1(888)638-0250, extension 205 or Ian.Satter@dot.state.fl.us.

ATKINS – BARTOW

The Florida **Department of Transportation**, District One announces a public hearing and invites all persons to attend.

DATE AND TIMES: Wednesday, February 22, 2012, 6:00 p.m., Open House; 7:00 p.m., Formal Presentation

PLACE: Comfort Inn and Suites, Banquet Room, 3860 Tollgate Boulevard, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT will hold the public hearing in fulfillment of Section 479.25, Florida Statutes, regarding construction of a noise barrier blocking the view of an outdoor advertising sign. Eighteen-foot tall noise barriers will be built along State Road (SR) 84 for a distance of 1,272 feet west of Madison Park Drive and 840 feet east of Madison Park Drive in Naples, Florida. The barriers are part of a project that widens SR 84 to six lanes from Santa Barbara Boulevard to Radio Road, Financial Project ID: 195416-4-32-01. A noise barrier will visually block a permitted outdoor advertising sign (Florida Sign Permit AW314) located on the north side of SR 84 about 1000 feet west of Madison Park Drive. Project staff will be available to answer questions about the noise barriers.

In accordance with Section 479.25, Florida Statutes, the following information is provided:

1. Erection of the proposed noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;
2. The local government or jurisdiction may restrict or prohibit increasing the height of the existing outdoor advertising sign to make it visible over the barrier; and
3. If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local government or local jurisdiction will be required to:
 - a. Allow an increase in the height of the sign in violation of a local ordinance or land development regulation;
 - b. Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or
 - c. Pay the fair market value of the sign and its associated interest in real property.

Property owners benefitted by noise barriers were provided a survey form to record their support or opposition to construction of the noise barrier. A majority of surveyed property owners registered support for constructing the noise barrier.

For more information, please contact: David Panlilio, P.E., Project Manager, Jacobs Engineering Group, Inc., by phone: (813)615-4580 or by e-mail: david.panlilio@jacobs.com.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Pursuant to the provisions of the Americans with Disabilities Act, FDOT asks any person requiring special accommodations

to participate in the public hearing to advise the agency at least 7 days before the meeting by contacting Mr. Panlilio at the phone number or e-mail address shown above. Anyone who is hearing or speech impaired may contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Alfred J. Camaio, Unit Owner, In Re: Tamberlane Condominium Association, Inc., Docket No. 2011059928 on December 19, 2011. The following is a summary of the agency’s declination of the petition:

The division entered its Order Closing Filed based on the petitioner’s request to withdraw the Petition for Declaratory Statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Brian C. Willis, Esq. In Re: Bay Indies Homeowners’ Association, Inc., Docket No. 2011052329 on October 26, 2011. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a declaratory statement because it cannot issue a statement concerning the rights of third persons who are not party to the action; or when there are facts in dispute; or when it concerns a lease agreement between a park owner and a tenant that is governed by the Florida Residential Landlord Tenant Act rather than the Florida Mobile Home Act.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that the petition filed by Donna Noto, City of Port St. Lucie Contractor Licensing, on December 16, 2011, seeking a declaratory statement of Section 489.105(3)(m), Florida Statutes, has been withdrawn. The Notice of Petition published in Vol. 38, No. 1, of the January 6, 2012, issue of the Florida Administrative Weekly.

A copy of the Board's Order may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Construction of Building Facilities and Site Work at Blackwater River State Forest Clear Creek/Whiting Field Off Highway Vehicle Trail Riding Area

As a Contractor, you are invited to submit a bid to the Florida Department of Agriculture and Consumer Services, Florida Forest Service, hereinafter referred to as Owner, for the Construction of Building Facilities and Site Work at Blackwater River State Forest Clear Creek/Whiting Field Off Highway Vehicle Trail Riding Area in Milton, Florida. The Project Budget is estimated to be \$397,000.

The contractor shall provide all materials, labor, equipment and inspection fees necessary for the construction of building facilities and site work in accordance with the terms and conditions of the Invitation to Bid.

PROJECT NAME & LOCATION: Construction of Building Facilities and Site Work at Blackwater River State Forest Clear Creek/Whiting Field Off Highway Vehicle Trail Riding Area, Milton, FL.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/FFS-11/12-16 or by calling: The Purchasing Office at (850)617-7181.

PLANS AND DRAWINGS: Architectural and Civil Drawings, including technical specifications and a copy of the bid document can be purchased for a fee of \$50.00 at Fabre Engineering & Surveying, 119 Gregory Square, Pensacola, FL 32502, Telephone: (850)433-6438, Fax: (850)434-7842.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on February 15, 2012, 11:00 a.m. (Central Standard Time), The Nature Conservancy, 8831 Whiting Field Circle, Milton, FL 32570, (850)957-6140. During the pre-bid

conference, a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Specifications will be available at the mandatory pre-bid conference/site visit.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION, DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: Each bid shall be accompanied by a Performance Bond in the amount of one-hundred percent (100%) of the Base Bid Price.

BID BOND: Each bid shall be accompanied by a Bid Bond Guarantee payable to the Department in the amount of five percent (5%) of the Base Bid Price.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: March 9, 2012, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB-8, Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7181.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

DEPARTMENT OF EDUCATION

PUBLIC ANNOUNCEMENT OF CONSTRUCTION MANAGEMENT SELECTION RESULTS

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: December 16, 2011

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20120002 & 20120004

PROJECT NAME: Swimming Pool Addition & Renovation and Settle's Gym Exterior Maintenance Project

1. Mills Gilbane
2. Danis Construction
3. AJAX Building Corporation

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS – REQUEST FOR QUALIFICATIONS (RFQ)

OFDC RFQ-001-12 AND INVITATION TO BID (ITB) OFDC ITB-011-12/ DUVAL COUNTY PUBLIC SCHOOLS OFFICE OF FACILITIES DESIGN AND CONSTRUCTION FOR CONSTRUCTION MANAGEMENT CONTINUING SERVICES/Publish Date January 20, 2012. Office of Facilities Design and Construction (OFDC) announces that professional services are required for Construction Management Continuing Services for Duval County Public Schools. The Owner reserves the right to select one or more firms to perform the work. The firm(s) selected under a continuing contract will be responsible for assigned projects each having estimated construction costs not exceeding \$2,000,000. Total estimated construction contract value of all project work awarded is estimated at \$12,000,000 over a 3-year contract period (not guaranteed.) The projects may be multi-year funded and are subject to availability of funds as authorized by the Owner. The selected firm(s) shall be required to execute the Duval County School Board standard form of agreement. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods. This RFQ/ITB is a 2-step selection process. OFDC RFQ-001-12 is part 1 of the process, OFDC ITB-011-12 is part 2 of the process. Responses for both the ITB and RFQ must be submitted at the same time in order to be considered. Separate responses for the RFQ and Bid are to be submitted in separate sealed envelopes. Instructions for completion of Bids and Proposals and the selection process will be in accordance with the Selection Criteria as outlined in "SELECTION OF THE CONSTRUCTION MANAGEMENT CONTINUING SERVICES FIRM-JANUARY 2012" selection booklet found at: http://www.duvalschools.org/static/aboutdcpts/departments/facilities/selection_booklets.asp. The Duval

County Public Schools prequalifies all contractors who intend to submit bids and proposals for all construction projects. All firms submitting proposals shall be required to be pre-qualified prior to the RFQ due date. Firms who are not approved as a pre-qualified bidder will not be considered for award of this contract. Prequalification forms and information may be obtained at: http://www.duvalschools.org/static/aboutdcpts/departments/facilities/selection_booklets.asp.

THE RFQ AND ITB DOCUMENTS WILL BE REVIEWED IN DETAIL AT: Information Conference, Conference Room 307, 1701 Prudential Drive, Jacksonville, Florida, Thursday, January 31, 2012, 10:00 a.m. DCPS Project Manager: Tony Gimenez, OFDC, (904)390-2279; Proposals are to be sent to: Facilities Design and Construction, 1701 Prudential Drive, Room 535, Jacksonville, FL 32207.

RESPONSE DUE DATE: RFQ AND ITB RESPONSES ARE DUE ON OR BEFORE February 23, 2012, AND WILL BE ACCEPTED UNTIL 2:00 p.m.

MBE GOALS: If multiple contracts are awarded, at least one will be awarded to a certified MBE. The remaining firms should have participation goals as 20% Overall.

NATIONAL JOINT POWERS ALLIANCE®

Invitation for Bid

Indefinite Quantity Construction Contract

The National Joint Powers Alliance (NJPA) issues this Invitation For Bid (IFB) on behalf of, and to provide Indefinite Quantity Construction Contracting (IQCC) services to NJPA, current and potential NJPA government, education, and non-profit Members in North Carolina. It is the intention of NJPA to award individual contracts for General Construction services in each Region. Each contract has an initial term of one (1) year and bilateral option provisions for three (3) additional one year periods, and the total term of the contract cannot exceed four (4) years. The estimated annual value is \$2,000,000.

IQCC, also known as Job Order Contracting (JOC), is a construction contracting procurement system that provides facility owners with access to “on-call” contractors to provide immediate construction services over an extended period of time.

Intending bidders are required to attend a pre-bid seminar which shall be conducted for the purpose of discussing the IQCC procurement system, the contract documents, and bid forms. Attendance at one seminar is a mandatory condition of bidding.

2/7/2012 10:00 a.m. (EDT) Broward Community College, A. Hugh Adams Central Campus, 3501 S.W. David Road, Building 19 Room 126, Ft. Lauderdale, FL 33314

2/8/2012 1:30 p.m. (EDT) Seminole State College of Florida, 100 Weldon Blvd., Public Safety Building, Room 0110, Sanford, FL 32773-6199

2/9/2012 10:00 a.m. (EDT) Florida State College at Jacksonville, 101 West State Street, Downtown – Conference Room A1170, Jacksonville, FL 32202

An electronic (CD) copy of the IFB Documents which include the instructions for submitting a bid and the bid documents may be obtained by letter of request to: Gregg Meierhofer, NJPA, 202 12th Street N.E., Staples, MN 56479 or by email request to: ezIQCC@NJPACOOOP.org. All requests must include mailing address, email address, contact name, and phone number. Bids are due by 4:00 p.m. (CDT), February 28, 2012, and will be opened at 9:00 a.m., February 29, 2012, IFB Documents will be available until the bid opening date of February 29, 2011.

**Section XII
Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

PUBLIC NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO SELL AND DELIVER UNITIZED MEALS AND SNACKS TO THE SUMMER FOOD SERVICE PROGRAM IN FISCAL YEAR 2012

In accordance with Title 7 of the Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness, formerly Florida Department of Education, Food and Nutrition Management, to administer the Summer Food Service Program (SFSP) for the federal fiscal year ending September 30, 2012.

The primary purpose of the Program is to provide breakfast, lunch and snack meals to economically needy children during periods when public schools are generally closed for summer recess. Food service vendors who wish to participate in the SFSP may write this agency for a vendor registration package to the address given below. Successful vendor registration will require copies of the following: A current Florida business license as a restaurant, food service caterer or a food service management company; the two most recent health inspection reports; a completed SFSP vendor registration form; evidence of general and product liability insurance; and insurance coverage for delivery vehicles. The prospective vendor’s registration forms and other documentation must be returned to

this agency by March 15, 2012. U.S. Postal Service date marks or private courier dates will be used to determine the timeliness of submissions.

For additional information, please contact: Division of Food, Nutrition and Wellness at 1(800)504-6609. The primary contact person for vendor registration is David Whetstone and the SFSP Program Manager is Michelle Morris.

Please direct your written inquiries to: The Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness, 600 South Calhoun Street, Suite 120, Tallahassee, FL 32399.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write: USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call toll free: 1(866)632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at 1(800)877-8339 or 1(800)845-6136 (Spanish). USDA is an equal opportunity provider and employer.

PUBLIC NOTICE OF INTENT TO OPERATE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FOOD, NUTRITION AND WELLNESS

NOTIFICATION OF INTENT TO OPERATE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN in accordance with Title 7 of the Code of Federal Regulations, Part 225. It is the intent of the Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness, formerly Florida Department of Education, Food and Nutrition Management Section, to administer the Summer Food Service Program for fiscal year 2012. The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation. Eligible children are those 18 years of age and under and persons over 18 years of age who are determined by the state educational agency or a local public education agency or a local public educational agency of the state to be mentally or physically handicapped and who participate in the public or nonprofit private school program established for the mentally or physically handicapped. The program will be made available throughout Florida by state-approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or nonresidential camp, government organization, or a National Youth Sports Program. For more information, please contact: Division of Food, Nutrition and Wellness, Summer Food Services Program for Children, at 1(800)504-6609.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write: USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call toll free: 1(866)632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at 1(800)877-8339 or 1(800)845-6136 (Spanish). USDA is an equal opportunity provider and employer.

DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: **POLK COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY POLK COUNTY ORDINANCE NO. 11-033**

FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2010), approving Polk County Ordinance No. 11-033.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On December 8, 2011, the Department received for review Polk County Ordinance No. 11-033 that was adopted by the Polk County Board of County Commissioners on December 6, 2011.
3. Proposed Ordinance No. 11-033 amends Ordinance No. 00-09, Land Development Code to address solar power and solar energy systems as accessory uses and to address a new use know as a Solar Electric Power Generation Facility.
4. Proposed Ordinance No. 11-033 amends the Use Tables in Chapters 2, 4, and 5 providing for Permitted and Conditional Use Reviews; Section 206, Accessory Uses for Solar Panels and Solar Energy Systems; Chapter 3 Criteria for Conditional Uses for Solar Electric-Power Generation Facilities; Section 930, Variances and Special Exceptions; Section 932, Waivers to Technical Standards providing for site development criteria; and Chapter 10 Definitions.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat. (2010).

SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 17th day of January, 2012.

/s/ _____
Miriam Snipes, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Edwin V. Smith, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Textron, Inc., intends to allow the establishment of Love Motors, Inc., as a dealership for the sale of low-speed

vehicles manufactured by Textron, Inc. (EZGO) at 2021 South Suncoast Boulevard, Homosassa (Citrus County), Florida 34448, on or after February 19, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Love Motors, Inc., are dealer operator(s): Robert L. Halleen, 2021 South Suncoast Boulevard, Homosassa, Florida 34448, principal investor(s): Robert L. Halleen, 2021 South Suncoast Boulevard, Homosassa, Florida 34448.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Rusty McGahee, Textron, Inc., 1451 Marvin Griffin Road, Augusta, Georgia 30906.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Nissan North America, Inc., intends to allow the establishment of Reed Motors, Inc. d/b/a Reed Nissan of Clermont, as a dealership for the sale of automobiles manufactured by Nissan (NISS) at the following location in Clermont, Florida (Lake County):

ALL OF TRACT 9 LYING SOUTH OF THE SEABOARD COASTLINE RAILROAD RIGHT OF WAY, IN SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, ACCORDING TO THE PLAT OF LAKE HIGHLANDS SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 52, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS RIGHT OF WAY OF STATE ROAD 50.

AND

THAT PORTION OF THE ABANDONED ACL RAILROAD (PLAT BOOK 3, PAGE 52) ALSO KNOWN AS SEABOARD COASTLINE RAILROAD, LYING BETWEEN THE EAST AND WEST LINE OF LOT 9 EXTENDED NORTHERLY. SAID LANDS ARE DESCRIBED BY SURVEYOR AS FOLLOWS;

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4, SECTION 25, T22S, R26E, LAKE COUNTY, FLORIDA, BEING A PORTION OF LOT 9 OF THE PLAT OF LAKE HIGHLANDS COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 52, OF THE OFFICIAL RECORDS OF LAKE COUNTY, FLORIDA, AND ALSO PART OF THE FORMER ATLANTIC COAST LINE RAILROAD RIGHT OF WAY (50 FOOT RIGHT OF WAY), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 27, T22S, R26E LAKE COUNTY FLORIDA; THENCE S89°13'47"E ALONG THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 27, A DISTANCE OF 2612.69 FEET TO THE NORTHWEST CORNER OF SAID SECTION 26; THENCE LEAVING THE NORTH LINE OF SAID NE 1/4, S89°26'50"E ALONG THE NORTH LINE OF SAID NW 1/4 A DISTANCE OF 666.86 FEET TO THE NORTHEAST CORNER OF LOT 8 OF THE AFOREMENTIONED PLAT OF LAKE HIGHLANDS COMPANY SUBDIVISION; THENCE LEAVING THE NORTH LINE OF SAID NW 1/4, S00°01'49"W, ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 568.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, BEING ALSO A POINT ON THE FORMER NORTHERLY RIGHT OF WAY LINE OF THE ATLANTIC COAST LINE RAILROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE LEAVING THE NORTH LINE OF SAID ATLANTIC COAST LINE RAILROAD, S00°01'49"W ALONG THE EAST LINE OF SAID LOT 9 AND ITS EXTENSION NORTHERLY, A DISTANCE OF 582.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROUTE 50 (VARIABLE RIGHT OF WAY); THENCE LEAVING THE EAST LINE OF SAID LOT 9, N89°23'48"W ALONG THE NORTHERLY LINE OF SAID STATE ROUTE 50, A DISTANCE OF 128.70 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 50, N00°36'12"E A DISTANCE OF 18.00 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 50, N89°23'48"W A DISTANCE OF 400.00 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 50, S00°36'12"W A DISTANCE OF 18.00 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE

ROUTE 50, N89°23'48"W A DISTANCE OF 124.26 FEET TO A POINT ON THE WEST LINE OF SAID LOT 9, SAID POINT BEING ALSO ON THE EAST LINE OF A 15 FOOT RIGHT OF WAY AS SHOWN ON SAID LAKE HIGHLANDS COMPANY SUBDIVISION; THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 50, N00°05'07"E ALONG THE WEST LINE OF SAID LOT 9 AND ITS EXTENSION NORTHERLY, BEING ALSO THE EAST LINE OF SAID 15 FOOT RIGHT OF WAY, A DISTANCE OF 467.20 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ATLANTIC COAST LINE RAILROAD AND BEING THE SOUTHWEST CORNER OF SAID LOT 8, THENCE LEAVING THE WEST LINE OF SAID LOT 9 AND ITS EXTENSION NORTHERLY, BEING ALSO THE EAST LINE OF SAID 15 FOOT RIGHT OF WAY, N80°34'55"E ALONG THE AND ITS SOUTH LINE OF SAID LOT 8, BEING ALSO THE NORTHERLY RIGHT OF WAY LINE OF SAID ATLANTIC COAST LINE RAILROAD, A DISTANCE OF 520.79 FEET TO A POINT; THENCE CONTINUING NORTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 8, BEING ALSO THE NORTHERLY RIGHT OF WAY LINE OF SAID ATLANTIC COAST LINE RAILROAD, ALONG A CURVE TO THE LEFT. AN ARC DISTANCE OF 40.74 FEET (SAID CURVE HAVING A RADIUS OF 1826.84 FEET, A DELTA ANGLE OF 01°16'40", AND A CHORD BEARING AND DISTANCE OF N79°56'35"E, 40.74 FEET) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 7.6975 ACRES OF LAND MORE OR LESS.

The name and address of the dealer operator(s) and principal investor(s) of Reed Motors, Inc. d/b/a Reed Nissan of Clermont, are dealer operator(s): Raymond D. Reed, 3776 West Colonial Drive, Orlando, Florida 32808, principal investor(s): Raymond D. Reed, 3776 West Colonial Drive, Orlando, Florida 32808.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Matt Nyenhuis, Nissan North America, Inc., Post Office Box 685001, Franklin, Tennessee 37068-5001.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

REGIONAL PLANNING COUNCILS

PUBLIC AVAILABILITY OF HAZARDOUS MATERIAL INFORMATION

Pursuant to Section 324 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the following information is available to the public upon request during normal working hours by the Treasure Coast Regional Planning Council's Local Emergency Planning Committee, 421 S.W. Camden Avenue, Stuart, FL 34994.

- Hazardous Chemical Inventory (Tier Two) Forms
- Material Safety Data Sheets (MSDS)
- Emergency Release Follow-up Reports
- Hazardous Analyses for Facilities with Extremely Hazardous Substances
- LEPC Hazardous Materials Emergency Response Plan
- How-to-Comply Information Training for First Responders
- "Are You Prepared for a Hazardous Materials Emergency?" Video and Brochure for the General Public
- Other Public Education Materials
- Your Telephone Book may contain Hazardous Materials Emergency Information that you could be asked to follow in an actual emergency

The Treasure Coast Regional Planning Council's Local Emergency Planning Committee (Florida District 10 LEPC) serves Indian River, Martin, Palm Beach, and St. Lucie Counties. To obtain information on the above items, please contact: Kathryn E. Boer at (772)221-4060, ext. 24, email: kboer@tcrpc.org or visit: www.tcrpc.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on January 12, 2012, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In

deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON# | INITIAL DECISION, | PROJECT, | CTY, | APPLICANT, PARTY REQUEST HEARING (PRH) |
|-------|-------------------|---|--------------------|--|
| 10004 | Denial, | modification of conditions (establish a new hospice program), | Service Area 4B, | North Central Florida Hospice, Inc. d/b/a Haven Hospice, (PRH) same as applicant |
| 10125 | Approval, | establish a 100 bed acute care general hospital, | Duval County, | Shands Jacksonville Medical Center, Inc., (PRH) Memorial Healthcare Group, Inc. d/b/a Memorial Hospital Jacksonville |
| 10126 | Approval, | establish a 10 bed adult psychiatric hospital, | St. Johns County, | Avanti Wellness Treatment Center, LLC, (PRH) TBJ Behavioral Center, LLC d/b/a River Point Behavioral Health and Wekiva Springs Center, LLC d/b/a Wekiva Springs Center for Women |
| 10127 | Denial, | establish a 50 bed comprehensive medical rehabilitation specialty hospital, | Seminole County, | Healthsouth Rehabilitation Hospital of Seminole County, LLC, (PRH) same as applicant |
| 10130 | Approval, | establish an 80 bed acute care general hospital, | Palm Beach County, | Florida Regional Medical Center, Inc., (PRH) Columbia Hospital (Palm Beaches) Limited Partnership |
| 10130 | Approval, | establish an 80 bed acute care general hospital, | Palm Beach County, | Florida Regional Medical Center, Inc., (PRH) Jupiter Medical Center, Inc. d/b/a Jupiter Medical Center |
| 10131 | Approval, | establish a 60 bed adult inpatient psychiatric hospital, | Broward County, | The Shores Behavioral Hospital, LLC, (PRH) South Broward Hospital District d/b/a Memorial Regional Hospital |
| 10132 | Denial, | establish a 12 bed inpatient substance abuse program, | Broward County, | The Shores Behavioral Hospital, Inc., (PRH) same as applicant |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (Variance No.: 0211198-003-EV) to E. R. Jahna Industries, Inc., 202 East Stuart Avenue, Lake Wales, Florida 33853, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnion (the deepest layer) of a man-made lake proposed in Environmental Resource Permit application No.: 0211198-002. The mine is located at

12535 West State Road 78, approximately 11 miles west of Moore Haven, in Sections 14, 22, and 23, Township 42 South, Range 30 East, Glades County.

On December 15, 2009, E. R. Jahna Industries, Inc. applied for an Environmental Resource Permit to modify a surface water management system for an existing sand mine. The new acreage within the mine boundary is changed to 802 acres which includes removing 117 acres located outside the project area and adding a 154-acre expansion area. The project area (surface water system and on-site wetland mitigation) is changed from 388.1 acres to 577 acres. The enlarged lake will be constructed across property lines such that the lake has more than one property owner. The lake is subject to water quality standards provided in Rule 62-302.530, F.A.C. On February 24, 2010, E. R. Jahna Industries, Inc., submitted a petition for a variance from the provisions of subsection 62-302.530(30), F.A.C., which provide minimum standards for dissolved oxygen levels in surface waters. The permittee has an Industrial Wastewater Facility Permit (FL0037541-002-IW3S) to discharge to waters of the state under the National Pollutant Discharge Elimination System. The outfall structure is set at 13.77 feet above Mean Sea Level. During periods of heavy rainfall, the pit overflows through an outfall structure to a man-made canal, a Class III waterbody, connecting to the Caloosahatchee River.

The dissolved oxygen levels in the hypolimnion of the enlarged man-made lake is expected to drop below the mandatory minimum of 5.0 mg/L at times. The low dissolved oxygen levels in the hypolimnion of that man-made lake is not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the enlarged man-made lake is expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. There is no practicable means known or available to achieve the required dissolved oxygen levels within that man-made lake. Therefore, the Department intends to grant a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen within the hypolimnion in the enlarged man-made lake.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required

by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On January 13, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Deanna L. Staggs, C.N.A., License #CNA 175606. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to

Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ANDALUSIA
CCB COMMUNITY BANK

ATMORE
UNITED BANK

BIRMINGHAM

CADENCE BANK, N.A.
COMPASS BANK
REGIONS BANK
SERVISFIRST BANK

MOBILE

BANKTRUST

ARKANSAS

CONWAY

CENTENNIAL BANK

DELAWARE

WILMINGTON

PNC BANK, N.A.
TD BANK, N.A.

FLORIDA

ARCADIA

FIRST STATE BANK OF ARCADIA

BELLE GLADE

BANK OF BELLE GLADE

BOCA RATON

1ST UNITED BANK
FIRST SOUTHERN BANK

BRADENTON

FIRST AMERICA BANK

BRANDON

PLATINUM BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CHIPLEY

ONE SOUTH BANK

CLEWISTON

FIRST BANK *

CORAL GABLES

BAC FLORIDA BANK
GIBRALTAR PRIVATE BANK & TRUST COMPANY

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW *

DADE CITY

FIRST NATIONAL BANK OF PASCO
FLORIDA TRADITIONS BANK

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

FLORIDIAN COMMUNITY BANK, INC.
REGENT BANK

DAYTONA BEACH

GATEWAY BANK OF FLORIDA

DESTIN

FIRST FLORIDA BANK
GULFSOUTH PRIVATE BANK *

ENGLEWOOD

ENGLEWOOD BANK & TRUST

FERNANDINA BEACH

CBC NATIONAL BANK

FORT LAUDERDALE

BANKATLANTIC 04/01/2014
BROWARD BANK OF COMMERCE
LANDMARK BANK, N.A.
STONEGATE BANK
VALLEY BANK *

FORT MYERS

EDISON NATIONAL BANK
FINEMARK NATIONAL BANK & TRUST
FLORIDA GULF BANK
PREFERRED COMMUNITY BANK
RELIANCE BANK, F.S.B. *

FORT PIERCE

OCULINA BANK *

FORT WALTON BEACH

BEACH COMMUNITY BANK 09/30/2012
FIRST CITY BANK OF FLORIDA *
FNBT.COM BANK

FROSTPROOF

CITIZENS BANK & TRUST

GAINESVILLE

FLORIDA CITIZENS BANK 11/16/2013
MERCHANTS & SOUTHERN BANK

GRACEVILLE

BANK OF JACKSON COUNTY *
PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

1ST NATIONAL BANK OF SOUTH FLORIDA
COMMUNITY BANK OF FLORIDA *

INDIANTOWN

HARBOR COMMUNITY BANK, FSB

INVERNESS

BRANNEN BANK

JACKSONVILLE

AMERICAN ENTERPRISE BANK OF FLORIDA
EVERBANK
FIRSTATLANTIC BANK
THE JACKSONVILLE BANK

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

LAKE CITY

COLUMBIA BANK *
FIRST FEDERAL BANK OF FLORIDA
PEOPLES STATE BANK

LAKELAND

BANK OF CENTRAL FLORIDA
COMMUNITY SOUTHERN BANK

LAKEWOOD RANCH

COMMUNITY BANK & COMPANY

LARGO

USAMERIBANK

MADISON

MADISON COUNTY COMMUNITY BANK

MARIANNA

CHIPOLA COMMUNITY BANK *

MAYO

LAFAYETTE STATE BANK

MELBOURNE

FLORIDA BUSINESS BANK

MERRITT ISLAND

COMMUNITY BANK OF THE SOUTH

MIAMI

CAPITAL BANK, N.A.
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
CONTINENTAL NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
FLORIDA COMMUNITY BANK, N.A.
INTERAMERICAN BANK, F.S.B.
JGB BANK, N.A.
OCEAN BANK 01/16/2013
SABADELL UNITED BANK, N.A.
SUNSTATE BANK
TOTALBANK

MIAMI LAKES

BANKUNITED

MONTICELLO

FARMERS & MERCHANTS BANK *

MOUNT DORA

FIRST GREEN BANK
FIRST NATIONAL BANK OF MOUNT DORA

NAPLES

FIRST NATIONAL BANK OF THE GULF COAST
SHAMROCK BANK OF FLORIDA

NEW SMYRNA BEACH

FRIENDS BANK *

NICEVILLE

PEOPLES NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE BANK OF FLORIDA

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

ALARION BANK *

COMMUNITY BANK & TRUST OF FLORIDA

GATEWAY BANK OF CENTRAL FLORIDA

OLDSMAR

JEFFERSON BANK OF FLORIDA

ORANGE PARK

HERITAGE BANK OF NORTH FLORIDA *

ORLANDO

CNLBANK *

FLORIDA BANK OF COMMERCE

OLD FLORIDA NATIONAL BANK

ORANGE BANK OF FLORIDA *

SEASIDE NATIONAL BANK & TRUST

URBAN TRUST BANK

OVIEDO

CITIZENS BANK OF FLORIDA *

PALM COAST

INTRACOASTAL BANK

PANAMA CITY

BAY BANK & TRUST COMPANY

FIRST NATIONAL BANK NORTHWEST FLORIDA

SUMMIT BANK, N.A.

VISION BANK

PENSACOLA

BANK OF THE SOUTH

GULF COAST COMMUNITY BANK *

PERRY

CITIZENS STATE BANK

POMPANO BEACH

FLORIDA SHORES BANK – SOUTHEAST

PORT CHARLOTTE

CHARLOTTE STATE BANK & TRUST

ENCORE NATIONAL BANK

PORT RICHEY

REPUBLIC BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE

PROSPERITY BANK

SEBRING

HEARTLAND NATIONAL BANK

HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK

STUART

GULFSTREAM BUSINESS BANK

SEACOAST NATIONAL BANK

TALLAHASSEE

CAPITAL CITY BANK

PREMIER BANK *

PRIME MERIDIAN BANK

TAMPA

AMERICAN MOMENTUM BANK

CENTRAL BANK
FLORIDA BANK 09/09/2015
NORTHSTAR BANK
THE PALM BANK *

THE VILLAGES
CITIZENS FIRST BANK

TRINITY
PATRIOT BANK *

UMATILLA
UNITED SOUTHERN BANK

VENICE
FLORIDA SHORES BANK – SOUTHWEST

WAUCHULA
FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH
FIRST BANK OF THE PALM BEACHES
FLAGLER BANK *
GRAND BANK & TRUST OF FLORIDA *

WILLISTON
PERKINS STATE BANK

WINTER HAVEN
CENTERSTATE BANK OF FLORIDA, N.A.

WINTER PARK
BANKFIRST
UNITED LEGACY BANK

GEORGIA

ALBANY
HERITAGEBANK OF THE SOUTH

ATLANTA
SUNTRUST BANK

COLQUITT
PEOPLESSOUTH BANK

COLUMBUS
SYNOVUS BANK

DARIEN
SOUTHEASTERN BANK

MOULTRIE
AMERIS BANK

WESTPOINT
CHARTERBANK

ILLINOIS

CHICAGO
BMO HARRIS BANK, N.A.
THE NORTHERN TRUST COMPANY

IOWA

FORT DODGE
FIRST AMERICAN BANK *

LOUISIANA

LAFAYETTE
IBERIABANK

NEW ORLEANS
WHITNEY BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK *

MISSISSIPPI

GULFPORT

HANCOCK BANK

JACKSON

TRUSTMARK NATIONAL BANK

TUPELO

BANCORPSOUTH BANK

MISSOURI

CREVE COEUR

FIRST BANK

NEW YORK

NEW YORK CITY

BANCO POPULAR NORTH AMERICA

NORTH CAROLINA

CHARLOTTE

BANK OF AMERICA, N.A.

RALEIGH

RBC BANK (USA)

WINSTON-SALEM

BRANCH BANKING & TRUST COMPANY

OHIO

CINCINNATI

FIFTH THIRD BANK

COLUMBUS

JPMORGAN CHASE BANK, N.A.

SOUTH DAKOTA

SIOUX FALLS

CITIBANK, N.A.

WELLS FARGO BANK, N.A.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT HAD A CHANGE SINCE THE LAST PUBLICATION OF THIS REPORT.

CADENCE BANK, N.A.

STARKVILLE, MISSISSIPPI

CADENCE BANK, N.A. CHANGED ITS HOME OFFICE LOCATION FROM STARKVILLE, MISSISSIPPI TO BIRMINGHAM, ALABAMA.

CHARLOTTE STATE BANK

PORT CHARLOTTE

CHARLOTTE STATE BANK LOCATED IN PORT CHARLOTTE CHANGED ITS NAME TO CHARLOTTE STATE BANK & TRUST EFFECTIVE JANUARY 1, 2012.

ENGLEWOOD BANK

ENGLEWOOD

ENGLEWOOD BANK LOCATED IN ENGLEWOOD CHANGED ITS NAME TO ENGLEWOOD BANK & TRUST EFFECTIVE JANUARY 1, 2012.

FIRST CITRUS BANK

TAMPA

FIRST CITRUS BANK LOCATED IN TAMPA WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE DECEMBER 15, 2011.

FIRST GREEN BANK

EUSTIS

FIRST GREEN BANK CHANGED ITS HOME OFFICE LOCATION FROM EUSTIS TO MOUNT DORA.

HARBOR COMMUNITY BANK

INDIANTOWN

DUE TO ERRONEOUS INFORMATION PROVIDED BY THE QPD IT WAS REPORTED IN A PREVIOUS PUBLICATION THAT FIRST BANK AND TRUST COMPANY OF INDIANTOWN, FSB LOCATED IN INDIANTOWN CHANGED ITS NAME TO HARBOR COMMUNITY BANK. PLEASE NOTICE THAT THE CORRECT NAME IS HARBOR COMMUNITY BANK, FSB STILL LOCATED IN INDIANTOWN.

INTERVEST NATIONAL BANK

NEW YORK CITY, NEW YORK
INTERVEST NATIONAL BANK LOCATED IN NEW YORK CITY, NEW YORK WITHDREW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM EFFECTIVE DECEMBER 6, 2011.

NORTHERN TRUST, N.A.

MIAMI
NORTHERN TRUST, N.A. LOCATED IN MIAMI WAS ACQUIRED BY THE NORTHERN TRUST COMPANY, A NON-QPD LOCATED IN CHICAGO, ILLINOIS EFFECTIVE OCTOBER 1, 2011. THE NORTHERN TRUST COMPANY AUTOMATICALLY BECAME A QPD WITH

THIS ACQUISITION AND HAS NOW COMPLETED THE NECESSARY PAPERWORK TO REMAIN IN THE FLORIDA PUBLIC DEPOSITS PROGRAM.

OLD FLORIDA NATIONAL BANK

LONGWOOD
OLD FLORIDA NATIONAL BANK CHANGED ITS HOME OFFICE LOCATION FROM LONGWOOD TO ORLANDO.

SUPERIOR BANK, N.A.

TAMPA
SUPERIOR BANK, N.A. LOCATED IN TAMPA WAS MERGED WITH/INTO CADENCE BANK, N.A., A QPD LOCATED IN STARKVILLE, MISSISSIPPI EFFECTIVE CLOSE OF BUSINESS NOVEMBER 10, 2011. CADENCE BANK, N.A. HAS SINCE CHANGED ITS HOME OFFICE LOCATION FROM STARKVILLE, MISSISSIPPI TO BIRMINGHAM, ALABAMA.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 9, 2012
 and January 13, 2012**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS

2-40.006	1/13/12	2/2/12	37/48	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.0071	1/12/12	2/1/12	37/41	
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University of South Florida

6C4-4.0010	1/10/12	1/30/12	Newspaper	
6C4-4.0011	1/10/12	1/30/12	Newspaper	
6C4-4.00210	1/10/12	1/30/12	Newspaper	
6C4-4.00211	1/10/12	1/30/12	Newspaper	
6C4-4.00212	1/10/12	1/30/12	Newspaper	
6C4-4.00213	1/10/12	1/30/12	Newspaper	
6C4-4.00214	1/10/12	1/30/12	Newspaper	
6C4-4.0023	1/10/12	1/30/12	Newspaper	
6C4-4.0024	1/10/12	1/30/12	Newspaper	
6C4-4.0025	1/10/12	1/30/12	Newspaper	
6C4-4.0026	1/10/12	1/30/12	Newspaper	
6C4-4.0027	1/10/12	1/30/12	Newspaper	
6C4-4.0028	1/10/12	1/30/12	Newspaper	
6C4-4.0029	1/10/12	1/30/12	Newspaper	

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

12C-2.0115	1/9/12	1/29/12	37/39	
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DEPARTMENT OF TRANSPORTATION

14-15.010	1/11/12	1/15/12	37/47	
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EXECUTIVE OFFICE OF THE GOVERNOR

Division of Planning and Budgeting

27D-1.001	1/12/12	2/1/12	37/48	
27D-1.002	1/12/12	2/1/12	37/48	
27D-1.003	1/12/12	2/1/12	37/48	
27D-1.006	1/12/12	2/1/12	37/48	
27D-1.007	1/12/12	2/1/12	37/48	

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

40C-2.101	1/13/12	2/2/12	37/33	37/51
40C-2.331	1/13/12	2/2/12	37/33	37/51

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
40C-2.381	1/13/12	2/2/12	37/33	
40C-2.501	1/13/12	2/2/12	37/33	
40C-2.900	1/13/12	2/2/12	37/33	37/51

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

61G1-11.005	1/13/12	2/2/12	37/47	
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Board of Professional Engineers

61G15-18.005	1/13/12	2/2/12	37/48	
61G15-18.008	1/13/12	2/2/12	37/43	
61G15-18.010	1/13/12	2/2/12	37/43	
61G15-18.011	1/13/12	2/2/12	37/44	
61G15-18.015	1/13/12	2/2/12	37/43	
61G15-19.003	1/13/12	2/2/12	37/43	
61G15-21.001	1/13/12	2/2/12	37/44	
61G15-22.007	1/13/12	2/2/12	37/43	
61G15-23.001	1/13/12	2/2/12	37/44	

Florida Building Code Administrators and Inspector

61G19-5.002	1/12/12	2/1/12	37/41	37/44
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Florida Real Estate Appraisal Board

61J1-1.001	1/10/12	1/30/12	37/47	
61J1-1.003	1/10/12	1/30/12	37/47	
61J1-1.004	1/10/12	1/30/12	37/47	
61J1-1.005	1/10/12	1/30/12	37/47	
61J1-1.006	1/10/12	1/30/12	37/47	
61J1-1.007	1/10/12	1/30/12	37/47	
61J1-1.008	1/10/12	1/30/12	37/47	
61J1-1.011	1/10/12	1/30/12	37/47	
61J1-7.008	1/10/12	1/30/12	37/47	
61J1-8.002	1/10/12	1/30/12	37/47	
61J1-8.005	1/10/12	1/30/12	37/47	
61J1-9.001	1/10/12	1/30/12	37/42	37/49

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-2.003	1/10/12	1/30/12	37/49	
64B3-4.001	1/10/12	1/30/12	37/41	37/43
64B3-5.0011	1/10/12	1/30/12	37/49	
64B3-5.002	1/10/12	1/30/12	37/49	
64B3-5.003	1/10/12	1/30/12	37/49	
64B3-5.004	1/10/12	1/30/12	37/41	
64B3-5.007	1/10/12	1/30/12	37/49	
64B3-8.002	1/10/12	1/30/12	37/49	
64B3-9.001	1/13/12	2/2/12	37/41	37/51

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
64B3-9.002	1/13/12	2/2/12	37/41	37/51
64B3-10.005	1/10/12	1/30/12	37/49	

Board of Optometry

64B13-3.019	1/12/12	2/1/12	37/43	
64B13-4.002	1/12/12	2/1/12	37/43	
64B13-4.006	1/12/12	2/1/12	37/43	
64B13-15.005	1/12/12	2/1/12	37/43	

Board of Pharmacy

64B16-26.1003	1/12/12	2/1/12	37/47	
64B16-28.101	1/13/12	2/2/12	37/47	
64B16-28.1081	1/12/12	2/1/12	37/47	
64B16-28.303	1/12/12	2/1/12	37/47	
64B16-30.003	1/12/12	2/1/12	37/47	

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

69B-162.009	1/9/12	1/29/12	37/41	
69B-175.006	1/9/12	1/29/12	37/41	
69B-175.008	1/9/12	1/29/12	37/41	
69B-175.010	1/9/12	1/29/12	37/41	

Division of Administration

69E-3.001	1/9/12	1/29/12	37/46	
69E-3.002	1/9/12	1/29/12	37/46	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
69E-3.003	1/9/12	1/29/12	37/46	
69E-3.004	1/9/12	1/29/12	37/46	
69E-3.005	1/9/12	1/29/12	37/46	
69E-3.006	1/9/12	1/29/12	37/46	
69E-3.007	1/9/12	1/29/12	37/46	

OFFICE OF INSURANCE REGULATION

OIR Insurance Regulation

69O-170.0155	1/12/12	2/1/12	37/21	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL
PURSUANT TO (CHAPTER 2010-279, LAWS OF
FLORIDA)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-11.002	7/7/11	*****	37/14	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/36
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