

SUMMARY: This rule is being repealed.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: 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: 464.006 FS.

LAW IMPLEMENTED: 464.008(1)(c), 464.018(1)(j) 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.014 Continuous Sobriety.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.008(1)(c), 464.018(1)(j) FS. History--New 6-11-97, Formerly 59S-8.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Nursing

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-20.028	Florida Bright Futures Scholarship Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

Rule 6A-20.028(5)(d) and (6)(a) was incorrectly printed. The rule should have read:

6A-20.028 Florida Bright Futures Scholarship Program.

(5) Renewing Academic Criteria.

(d) Academic eligibility criteria for a restored award shall be evaluated at the end of the summer or second semester/third quarter each academic year thereafter.

1. For the student who graduated high school in 2008-09 or earlier, an award may be restored for the student with insufficient GPA and insufficient hours. The student must submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.019, F.A.C., by May 30 of the year the student is seeking funding. A student may earn and be funded in an eligible restored status one time only. In addition to applying for restoration, the student is responsible for ensuring submission of verification from the last institution attended as a degree- or certificate-seeking student. The institutional cumulative GPA and hours earned, as defined in subparagraph (5)(b) of this rule, as reported by the last institution attended, will determine the student's eligibility to be restored based on the minimum academic program renewal requirements.

2. For the student who graduated high school in 2009-10 and thereafter, the award may be restored for the student with insufficient GPA after the first year of funding only. The student must submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.019, F.A.C., by May 30 of the year the student is seeking funding. A student may earn and be funded in an eligible restored status one time only. In addition to applying for restoration, the student is responsible for ensuring submission of verification from the last institution attended as a degree- or certificate-seeking student. The institutional cumulative GPA, as defined in subparagraph (5)(b) of this rule, as reported by the last institution attended, will determine the student's eligibility to be restored based on the minimum academic program renewal requirements.

3. A Florida Medallion Scholar who initially was awarded as a Florida Academic Scholar who earns a GPA of 3.0 or above, may restore as a Florida Academic Scholar utilizing the one-time only restoration.

(6) Awards. Awards are made under all programs in this section in accordance with Sections 1009.215, 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.5341, 1009.535, 1009.536, and 1009.538, Florida Statutes.

(a) Awards under this program are based on the amount as specified in the General Appropriations Act. If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards must be prorated with an equitable percentage reduction in all terms after term 1.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.725 Permissible Items for Visitors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-15.006 General Information

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-15.015 Guidelines for Disposition of
Disciplinary Cases or Other Cases
in Which Substantial Interests Are
Determined by the Board

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-15.020 Security and Monitoring Procedures
for Licensure Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-15.021 Final Orders

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-15.022 Designation of Official Reporter

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.003 Examination Review Procedure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.0041 Foreign Language Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-18.001 Biennial Renewal of Barber License

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-18.002
 RULE TITLE: Biennial Renewal of Barber Assistant Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-19.0135
 RULE TITLE: Relocation of a Barbershop

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.001
 RULE TITLE: Collection and Payment of Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.0075
 RULE TITLE: Examination Review Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.005
 RULE TITLE: Mitigation; Notice of Mitigation and Aggravation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.007
 RULE TITLE: Stipulations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.008
 RULE TITLE: Installment Payment of Fines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 45, November 10, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

NOTICE OF CHANGE

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

The changes are in response to concerns by the Joint Administrative Procedures Committee in letters dated November 2, 2011.

61G15-29.001(2) shall read as: "When an engineer is presented with a certification to be signed and ~~or~~ sealed, he or she shall carefully evaluate that certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these circumstances would apply, that engineer shall either: (a) modify such certification to limit its scope to those matters in which the engineer can properly sign and ~~or~~ seal, or (b) decline to sign and seal such certification.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-3.001	Certification of 911 Emergency Dispatchers
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Emergency Dispatchers Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly. Forms DH 5066, DH 5067 and DH 5068 have been updated. For information pertaining to these forms you can contact Rebecca Cash at (850)245-4440, ext. 2725 or at rebecca_cash@doh.state.fl.us.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on January 17, 2012, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration, received a petition for Waiver or Variance of paragraph 59A-35-060(1)(w), F.A.C., which is the application for licensure as a health care clinic under Part X, Chapter 400, Florida Statutes, from Ultracare Imaging Services, Inc. the nature of the rule refers to an application for a health care clinic license that is adopted by reference. The petitioner filed an initial application for a health care clinic license with the agency on January 17, 2012, after a renewal application of the petitioner was involuntarily withdrawn from further consideration by final order effective September 25, 2011. The petitioner requests that when an initial license is issued by the agency, it is back-dated to September 25, 2011, about 4 months before the initial application was received by the agency. The petition asks that the former license number be restored. The basis for relief is hardship. The Health Care Clinic Unit will accept comments concerning this Petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the agency on or before 5:00 p.m. (EST), on the 14th day to the contact, below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dennis LaRosa, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308, email: Dennis.LaRosa@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 31, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Beach Pharmaceuticals in Tampa, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.20 and 2.18 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 of a minimum diameter 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 2012-033).

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 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Building 1029, Florida State Hospital in Chattahoochee, FL. Petitioner seeks an variance of the requirements of ASME A17.3, Section 3.11.1, 3.4.5, 3.10.4(t) and A17.1, Section 2.13.3.4, 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, emergency lighting, two-way communications and a key4ed stop switch 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 2012-030).

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 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Cypress Commons in Tampa, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.3, 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