

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.039 RULE TITLE: Cultural Facilities Program

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent program calendar, including the application deadline; criteria related to eligibility, application submission, application review and scoring, and reporting requirements; and criteria related to compliance with and the recordation of restrictive covenants.

SUBJECT AREA TO BE ADDRESSED: Cultural Facilities Program eligibility, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.

RULEMAKING AUTHORITY: 265.701(5) FS.
 LAW IMPLEMENTED: 215.97, 265.701, 286.011, 286.012, 286.25 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: Monday, March 12, 2012, 9:30 a.m.
 PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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: Donald R. Blancett, (850)245-6483. 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: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101 RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to strike redundant language.

SUBJECT AREA TO BE ADDRESSED: Educational achievement incentive gain time.

RULEMAKING AUTHORITY: 944.09, 944.275, 944.281 FS.
 LAW IMPLEMENTED: 944.09, 944.275, 944.281 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.101 Incentive Gain Time.
- (1) through (6) No change.
- (7) Educational achievement incentive gain time. Upon notification by the education supervisor or regional education program administrator of a recommendation by the Bureau of Institutional Programs, the department shall apply a one time award of 60 additional days of incentive gain time to an inmate who is otherwise eligible and who has successfully completed requirements for and is awarded a general education development certificate or vocational certificate. In order to be eligible for the gain time award, the general education development certificate or vocational certificate must be issued by the Florida Department of Education or the program issuing the certificate must be approved by the Bureau of Institutional Programs in advance of the inmate's enrollment. Inmates assigned to community facilities who earn a general education development certificate or vocational certificate in an on site educational program operated by an outside vendor or provider (state community college, vocational technical center or private institution) who is approved in advance by the Bureau of Institutional Programs ~~an outsider who is approved by~~ shall be recommended by the regional educational program administrator for incentive gain time for educational achievement. Under no circumstances may an inmate receive more than 60 days gain time for educational attainment pursuant to this section.
- (8) No change.

Rulemaking Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.0065, Amended 7-15-09, 4-19-10, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
RULE TITLE: Care of Inmates
PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend inmate uniforms.
SUBJECT AREA TO BE ADDRESSED: Inmate footwear.
RULEMAKING AUTHORITY: 944.09, 945.215 FS.
LAW IMPLEMENTED: 944.09, 945.215 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.

(a) Class Uniforms will be as follows:

1. The male Class A uniform shall require the following:

a. through g. No change.

h. Footwear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear). Authorized athletic shoes may not, however, be worn for visitation.

2. The female Class A uniform shall require the following:

a. through d. No change.

e. Footwear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear). Authorized athletic shoes may not, however, be worn for visitation.

3. The Class B uniform shall be the same as the Class A uniform with the following modifications:

a. State issued outer shirt is not required,

b. Footwear (includes authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear).

4. The Class C uniform shall require the following:

a. through d. No change.

e. Foot wear (including authorized athletic shoes, state issued canvas or closed-cell resin shoes, work boots, or approved medically necessary footwear).

5. through (12) No change.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, 2-6-12_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-12.004
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the disciplinary guidelines to reflect changes in number of CPE hours required.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 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 Architecture and Interior Design

RULE NO.: 61G1-16.005
RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

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

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

RULEMAKING AUTHORITY: 481.2055, 481.221(2), (3) FS.

LAW IMPLEMENTED: 481.221(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-17.002 RULE TITLE: Professional Fees and Penalties for Interior Designers

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language regarding examination and application fees.

SUBJECT AREA TO BE ADDRESSED: Professional Fees for Interior Designers.

RULEMAKING AUTHORITY: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.219(3), 455.2281, 455.271(6), 481.207, 481.219 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.: 61G1-21.002, 61G1-21.008 RULE TITLES: Organization and Administration, Definition of a Complete Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to Rule 61G1-21.002, F.A.C., to clarify language concerning the requirement to monitor continuing professional education records. The rule amendment to Rule 61G1-21.008, F.A.C., is to remove inapplicable text.

SUBJECT AREA TO BE ADDRESSED: Organization and Administration; Definition of a Complete Application.

RULEMAKING AUTHORITY: 481.215(5), 481.2055 FS.

LAW IMPLEMENTED: 455.271(5), (6), 481.215(5), 481.217 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.003 RULE TITLE: Definition of a Complete Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove inapplicable text.

SUBJECT AREA TO BE ADDRESSED: Definition of a Complete Application.

RULEMAKING AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 455.271(6), 481.217 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.001
 RULE TITLE: Biennial Renewal of Massage Therapist’s License

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete duplicative rule provisions and to reference the Department of Health biennial renewal schedule.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal of Massage Therapist’s License.

RULEMAKING AUTHORITY: 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) 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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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 EDUCATION

State Board of Education

RULE NO.: 6A-1.09941
 RULE TITLE: State Uniform Transfer of High School Credits

PURPOSE AND EFFECT: The purpose of this rule amendment is be consistent with changes made to Section 1008.22(9)(b), Florida Statutes, by the 2010 Legislature. The amendment specifically requires that when a student transfers into a high school, the school principal shall determine whether the student must take an end-of-course (EOC) assessment in a course for which the student has credit that was earned from the previous school.

SUMMARY: This rule establishes uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public 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 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: 1003.25(3), 1008.22(13) FS.

LAW IMPLEMENTED: 1003.25(3), 1008.22(9) FS.

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

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: TERRA Environmental Research Institute, 11005 S.W. 84th Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction and Student Services, Division of Public Schools, 325 West Gaines Street, Tallahassee, Florida, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09941 State Uniform Transfer of High School Credits.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public schools. Effective July 1, 2012, the procedures shall be as follows:

(1) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school’s accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in subsection ~~(3)~~(2) of this rule.

(2) If a student transfers into a Florida high school from out of country, out of state, a private school, or a home school, and that student’s transcript shows credit received in Algebra 1, or an equivalent course; Geometry, or an equivalent course; or Biology 1, or an equivalent course, the decision as to