

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Fryar, Government Analyst II, Division of State Fire
Marshal, Department of Financial Services
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Jeff Atwater, Chief of Financial Officer,
Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 8, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 22, 2011

Section III

Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-14.001	Definitions
18-14.002	Determination of Fines
18-14.003	Violations
18-14.004	Applicability
18-14.005	Imposition and Collection of Fines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol.
36, No. 47, November 24, 2010 issue of the Florida
Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-1.659	Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been
made to the proposed rule in Vol. 38, No. 6, February 10, 2012
issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 22, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.021	Definitions
40E-4.051	Exemptions From Permitting
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.321	Duration of Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been
made to the proposed rule in Vol. 38, No. 6, February 10, 2012
issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 22, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-400.021	Definitions
40E-400.211	Processing Procedures for Noticed General Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been
made to the proposed rule in Vol. 38, No. 6, February 10, 2012
issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 22, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NO.:	RULE TITLE:
59E-7.020	Purpose of Inpatient Data Reporting

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been
made to the proposed rule in Vol. 38, No. 4, January 27, 2012
issue of the Florida Administrative Weekly.

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 rule reduction review has determined that
no legislative ratification pursuant to subsection 120.541(3),
F.S. is required in repealing the unnecessary rule preface.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been
made to the proposed rule in Vol. 38, No. 3, January 20, 2012
issue of the Florida Administrative Weekly. 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.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.:	RULE TITLE:
59G-6.045	Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

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.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.:	RULE TITLE:
59G-6.090	Payment Methodology for County Health Departments

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Auctioneers**

RULE NO.:	RULE TITLE:
61G2-4.003	Change of Sponsor

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

The following language was inadvertently omitted from the Notice of Proposed Rulemaking. The notice should have contained the following language:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

In addition, Rule Development publication date listed in the Notice should be corrected to reflect the publication date of December 22, 2011.

The above changes do not substantively affect the rule.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-15.001	Qualification for 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. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated December 15, 2011. The change is as follows:

Rule 61G4-15.001(5)(c) shall read as:

(c) Forty (40) hours of instruction utilizing an up to date publication from any Nationally recognized swimming pool association or substantially equivalent materials, and including instruction on the following topics: Structures – Pool Structures & Finishes; Spa & Hot Tub Structures, Finishes & Equipment Packs; Circulation System – Circulation & Piping; Hydraulics – Pumps, Pump Motors & Air Blowers, Filters, Heaters, Chemical Feeders & Generators; Chemistry – Chemical Safety, Water Testing & Water Treatment; Water Treatment – Chlorine; Water Treatment – Other; Water Balance; Electrical System – Basic Electricity, Safety Requirements & Pool/Spa Electrical Equipment, Lighting, Controls, Controllers & Control Systems; Maintenance – Routine Maintenance, Season & Special Care, Covers; and Dewatering.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

DEPARTMENT OF HEALTH**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.:	RULE TITLE:
64B4-7.0081	Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

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.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and in response to public comments received on the rule. The Board discussed this rule at a public hearing on February 9, 2012. The changes are as follows:

1. Subsection (1) shall now read as follows:

(1) Licensees: employed or contracted as Behavioral Specialists for the Florida Department of Corrections (DOC) and credentialed to conduct screenings and counseling for sexual disorders; or approved by the United States Probation Office to complete risk assessments and treat sexual offenders; or who were a clinical member of the Association for the Treatment of Sexual Abusers (ATSA) or the Florida Association for the Treatment of Sexual Abusers (FATSA); on or before June 30, 2010, shall be deemed to be qualified practitioners.

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

(2) In order to be a qualified practitioner for completing risk assessments and/or providing treatment for sexual offenders, one must hold an active license as a clinical social worker, marriage and family therapist, or mental health counselor under Chapter 491, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0125
 RULE TITLE: Examination Security
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 48, December 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

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

The change is in response to a vote by the Board at the meeting held February 7-8, 2012. The changes are as follows:

1. Subsection (2)(c) will be added to the rule and shall read as follows:

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

1. Provisions to identify and guard against invalid practitioner-patient relationships.

2. Provisions to guard against filling fraudulent prescriptions for controlled substances.

3. Provisions to identify prescriptions that are communicated or transmitted legally.

4. Provisions to identify the characteristics of a forged or altered prescription.

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

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER12-2	Form for Use to Attempt to Establish Adverse Possession Without Color of Title

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-107 (Senate Bill 1142), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 6 months and that could be renewed. This act further provides that all conditions imposed by Sections 120.536(1) and 120.54(4), Florida Statutes, (Section 1 of Chapter 2011-107) were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2011-107 (Senate Bill 1142), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 6 months and that they may be renewed. The form included here is based on the requirements of Chapter 2011-107, Laws of Florida, as passed by the Legislature, and will amend the form based on the changes to Section 95.18, F.S. The Department of Revenue has taken action to inform interested parties about the form that is being amended to implement this amended law, and to give such parties an opportunity to review and comment. These interested parties