

(ff) 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.)

(ff) From a reprimand to probation of the license, and an administrative fine of \$500.00 to \$1,000.00.

(ff) From a reprimand to suspension of license, and an administrative fine of \$1,000.00 to \$5,000.00.

(ff) From suspension to revocation of license, and an administrative fine of \$5,000.00 to \$10,000.00.

(gg) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.
(456.072(1)(kk), F.S.)

(gg) From a reprimand of the license and an administrative fine up to \$1,000.00 to revocation and a fine up to \$10,000.

(gg) From a reprimand to suspension of license, and an administrative fine up to \$5,000.00 up to revocation and a fine up to \$10,000.

(gg) From suspension to revocation of license, and an administrative fine of \$1,000.00 to \$5,000.00 up to revocation and a fine up to \$10,000.

(hh) 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.)

(hh) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

Rulemaking Specific Authority 456.078, 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS. History—New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended 10-25-00, 4-14-02, 8-22-05, 12-28-05, 8-28-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech Language Pathology and Audiology
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Speech Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION State Board of Education

RULE NO.: 6A-6.0573
RULE TITLE: Industry Certification Process.
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. 15, April 13, 2012 issue of the Florida Administrative Weekly.

Subparagraph (5)(a)4. is amended to read:

(5) Pursuant to Section 1011.62(1), F.S., industry certifications approved by the State Board of Education for inclusion in the final “Industry Certification Funding List” shall be assigned one of the following weights: 0.1, 0.2, or 0.3. The weights shall be determined by values assigned to indicators of rigor and employment value, with 50 percent of the points based on rigor and 50 percent based on employment value. Rigor and employment value each shall be assigned up to three points for a total possible value of six.

(a) Rigor shall be determined by the State Board of Education using the number of instructional hours necessary to earn the industry certification with bonus points assigned for certifications with Gold Standard Career Pathways Industry Certification to Associate in Applied Science (AAS/Associate in Science (AS) Statewide Articulation Agreements approved by the State Board of Education. Instructional hour values shall be determined based on the classroom instructional hours and work experience hours necessary to earn the certification.

1. Classroom instructional hours shall be determined through one of the following methods:

a. Instructional hours identified by the certifying agency or,

b. Alignment of statewide curriculum frameworks to the competencies required for the industry certification based on the review of the Department of Education. This process shall include a review of standards in the curriculum frameworks, as adopted by the State Board of Education in Rule 6A-6.0571, F.A.C., for the secondary and postsecondary programs that align with the certification.

2. Work experience hours shall be determined based on the work hours required by the certifying agency to earn the certification.

3. Instructional hours shall be the sum of classroom instructional hours and work experience hours.

4. The maximum value for the rigor of the industry certification is three points. The total instructional hours necessary to earn the industry certification shall be converted to rigor points based on the following scale:

- a. A value of 150 to ~~300~~ ~~299~~ hours equals 0.5 points.
- b. A value of ~~301~~ ~~300~~ to ~~450~~ ~~449~~ hours equals 1.0 points.
- c. A value of ~~451~~ ~~450~~ to ~~600~~ ~~599~~ hours equals 1.5 points.
- d. A value of ~~601~~ ~~600~~ to ~~750~~ ~~749~~ hours equals 2.0 points.
- e. A value of ~~751~~ ~~750~~ to ~~900~~ ~~899~~ hours equals 2.5 points.
- f. A value of ~~901~~ ~~900~~ or more hours equals 3.0 points.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NOS.:	RULE TITLES:
6D-3.0021	Individual Educational Plan
6D-3.0022	Independent Educational Evaluation
6D-3.0023	Protection in Evaluation Procedures
6D-3.003	Due Process Procedures
6D-3.004	Impartial Review and Appeal
6D-3.005	Assignment of Surrogate Parents
6D-3.006	Access to and Confidentiality of Student Records
6D-3.007	Provision of Non-Academic and Extracurricular Services and Activities
6D-3.008	Discrimination Complaint Procedures for Student Access
6D-3.010	Confidentiality of Information

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-3.029	Public Use Forms

NOTICE OF CANCELLATION OF HEARING

Notice is hereby given that the hearing scheduled for June 22, 2012 as published in Vol. 38, No. 21, May 25, 2012 issue of the Florida Administrative Weekly has been cancelled.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-3.029	Public Use Forms (Transferred)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.:	RULE TITLE:
60FF1-5.002	Rural County Grants

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a telephone conference on June 19, 2012. The correction is as follows:

DATE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW will be corrected to read March 2, 2012 instead of June 1, 2012.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

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

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. 13, March 30, 2012 issue of the Florida Administrative Weekly.

The change is in response to a discussion of recent legislative changes and subsequent vote by the Board. The changes are as follows:

1. Subsection (8) shall now read as follows:

(8) Any applicant who takes the professional examination may, upon payment of \$75.00 to the Department, and at a mutually convenient time, examine his answers or questions, papers, grade and grading key upon such terms and conditions as set forth by the Department of Business and Professional Regulation. All such reviews shall be subject to national and Department testing security requirements in order to insure the integrity of the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.018
 RULE TITLE: Certification of Glass and Glazing Specialty Contractors
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 20, May 18, 2012 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated May 29, 2012. The correction is as follows:

61G4-15.018(2) line 4 through 5 shall read as: “...of glass holding or supporting mullions or horizontal bars; the installation of structurally anchored impact-resistant opening protection attached to existing building walls, floors, columns or other structural members of the building; and”

Line 7 shall be corrected to read as: “ Or panels, caulking incidental to such work and assembly; and”

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
 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.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

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

(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. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM

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

(a) Obtaining a license by misrepresentation, fraud or error. (Section 465.016(1)(a), F.S.) (Section 465.023(1)(a), F.S.)	Revocation \$10,000 fine for each count and Revocation	Revocation \$10,000 fine for each count and Revocation
---------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------	-----------------------------------------------------------

3. (2)(b) shall now read as follows:

(b) Procuring a license by false representation. (Section 465.016(1)(b), F.S.) (Section 465.023(1)(b), F.S.)	\$10,000 fine for each count and Revocation	\$10,000 fine for each count and Revocation
--------------------------------------------------------------------------------------------------------------	---------------------------------------------	---------------------------------------------

4. (2)(e) shall now read as follows:

(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.		
-------------------------------------------------------------------------------------------------------------------------------------------	--	--

5. (2)(e)1.a. shall now read as follows:

a. Failure to supervise registered pharmacy technician (Section 465.014, F.S.)	\$250 fine and one (1) year probation and 12 hour Laws and Rules Course or MPJE	Revocation
--------------------------------------------------------------------------------	---------------------------------------------------------------------------------	------------

6. (2)(e)1.b. shall now read as follows:

b. Operating a pharmacy that is not registered (Section 465.015(1)(a), F.S.)	\$500 per month to maximum of \$5,000 (penalty will require permittee to renew permit or cease practice)	Revocation
------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------	------------

7. (2)(e)1.d. shall now read as follows:

d. Making a false or fraudulent statement to the board (Section 465.015(1)(b), F.S.)	\$10,000 fine for each count	\$10,000 fine for each count and Revocation
--------------------------------------------------------------------------------------	------------------------------	---------------------------------------------

8. (2)(e)1.h. shall now read as follows:

h. Failure to notify the board of or not to have a prescription department manager or consultant pharmacist (Section 465.019, .0193, .0196, .0197, or 465.022(10)(11), F.S.)		
(i) Failure to notify	Fine based on length of time prior to notifying board. \$500 per month	\$7,500 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	Revocation
-----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------	------------

9. (2)(e)1.i. shall now read as follows:

i. Failure to comply with required substitution of legend drug requirements (Section 465.025(2)(3) and (4), F.S.	\$500 fine and 12 hour Laws & Rules Course or MPJE	\$2,500 fine
------------------------------------------------------------------------------------------------------------------	----------------------------------------------------	--------------

10. (2)(e)3.a. shall now read as follows:

a. Filling a prescription for controlled substances that does not meet the requirements of Chapter 893, F.S.	\$1500 fine	\$5,000 fine and one (1) year probation
--------------------------------------------------------------------------------------------------------------	-------------	-----------------------------------------

- 11. (2)(e)n. shall be removed from the rule in its entirety.
- 12. (2)(k)1.i. shall be removed from the rule in its entirety.
- 13. (2)(k)1.i.(i) shall be renumbered as (2)(k)1.i.
- 14. (2)(k)1.i.(ii) shall be renumbered as (2)(k)1.j.
- 15. (2)(k)1.j. shall be renumbered as (2)(k)1.k.
- 16. (2)(k)1.m. shall be renumbered as (2)(k)1.l. and shall now read as follows:

l. Failure to complete the required continuing education during the biennial licensure period. Rule 64B16-26.103, F.A.C.		
--------------------------------------------------------------------------------------------------------------------------	--	--

17. (2)(k)1.m.1. shall be renumbered as (2)(k)1.l.1. and shall now read as follows:

1. Failure to complete less than ten (10) hours	\$500	\$1,500
-------------------------------------------------	-------	---------

18. (2)(k)1.m.2. shall be renumbered as (2)(k)1.l.2. and shall now read as follows:

2. Failure to complete ten (10) or more hours 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.	\$1,000	\$2,500
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------	---------

19. (2)(k)1.n. shall be renumbered as (2)(k)1.m. and shall now read as follows:

m. Failure to maintain program requirements for certification, training, or continuing education programs or providers. Rule 64B16-26.601, F.A.C.	\$500	Revocation
---------------------------------------------------------------------------------------------------------------------------------------------------	-------	------------

20. (2)(k)1.o. shall be renumbered as (2)(k)1.n. and shall now read as follows:

n. Failure to retain continuing education records. Rule 64B16-26.603, F.A.C.	\$250	\$1,500
------------------------------------------------------------------------------	-------	---------

21. (2)(k)1.p. shall be renumbered as (2)(k)1.o. and shall now read as follows:

o. Failure to practice in accordance with established practice standards. Rules 64B16-27.1001, .104, F.A.C.		
-------------------------------------------------------------------------------------------------------------	--	--

22. (2)(k)1.o.2. shall be deleted in its entirety and (2)(k)1.o.1. through 3. shall now read as follows:

1. Pharmacist	\$500	Revocation
2. Pharmacy Intern	\$250	Revocation
3. Permittee	\$500	Revocation

23. (2)(k)1.q. shall be renumbered as (2)(k)1.p. and shall now read as follows:

p. Failure to have current policies and procedures. Rules 64B16-28.141, .450, F.A.C.	\$500	Revocation
--------------------------------------------------------------------------------------	-------	------------

24. (2)(k)1.r. shall be renumbered as (2)(k)1.q. and shall now read as follows:

q. Failure to have or maintain standards for an automated pharmacy system in a community pharmacy. Rule 64B16-28.141, F.A.C.	\$500 and 12 hours Laws & Rules or MJPE	Revocation
------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------	------------

25. (2)(k)1.s. shall be renumbered as (2)(k)1.r. and shall now read as follows:

r. Failure to have or maintain standards for a central fill pharmacy. Rule 64B16-28.450, F.A.C.	\$500 and 12 hours Laws & Rules or MJPE	Revocation
-------------------------------------------------------------------------------------------------	-----------------------------------------	------------

26. (2)(k)1.s. shall now read as follows:

s. Failure to have or maintain standards for an institutional pharmacy. Rules 64B16-28.602, .6021, .605, .606, .702, F.A.C.	\$500 and 12 hour Laws & Rules or MJPE	
-----------------------------------------------------------------------------------------------------------------------------	----------------------------------------	--

27. (2)(k)1.t. and shall now read as follows:

t. Failure to maintain or have standards for a special pharmacy Rules 64B16-28.800, .810, .820, .840, .850, .860, .870, F.A.C.	\$500 and 12 hour Laws & Rules or MJPE	
-----------------------------------------------------------------------------------------------------------------------------------	----------------------------------------	--

28. (2)(k)1.t. shall be renumbered as (2)(k)1.u. and shall now read as follows:

t. Failure to maintain standards for animal control shelters	\$500	Revocation
--------------------------------------------------------------	-------	------------

29. (2)(n) shall now read as follows:

(n) Abandoning or allowing permit to become null and void after notice of disciplinary proceedings. Section 465.018(3), F.S.	Revocation	Revocation
------------------------------------------------------------------------------------------------------------------------------	------------	------------

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.713
 RULE TITLE: SSI-Related Medicaid Income Eligibility Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.201
 RULE TITLE: Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limit

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. 20, May 18, 2012 issue of the Florida Administrative Weekly.

(1) Hardship Extension and Exemption Determinations. An extension or exemption from the time limit for receipt of Temporary Cash Assistance (TCA) cannot be authorized until a hardship review, using the Hardship Extension Review, CF-ES 2082, 06/2012 01/2007, incorporated by reference, is completed by the Department and the Regional Workforce

Board (RWB) or its designee, and a favorable decision is made about the existence of a hardship. A recommendation, if appropriately made, and the decision about hardship eligibility will be based on the criteria established in this rule and Section 414.105, F.S.

(11) Hearing Rights. Participants whose cash assistance is being terminated because they have reached their lifetime limit and have been denied a hardship extension or exemption can request a fair hearing in accordance with the Department’s hearing procedures in Chapter 65-2, F.A.C. Unless waived, cash assistance will ~~may~~ be continued or reinstated, in accordance with 7 C.F.R § 273.15(k), when the request for a hearing is received by the end of the last day of the month prior to the effective date of the adverse action indicated on the notice. The notice allows at least ten days for the request. If the last day of the month falls on a holiday or weekend, the deadline is the next business day. The assistance group must repay cash assistance if the hearing decision is in favor of the Department.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.: 69B-211.041
 69B-211.042
 RULE TITLES: Definitions
 Effect of Law Enforcement Records on Applications for Licensure

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. 19, May 11, 2012 issue of the Florida Administrative Weekly.

The changes to Rule 69B-211.041, F.A.C., are being made based on the record of the public hearing. The changes to Rule 69B-211.042, F.A.C., are being made in response to comments from the Joint Administrative Procedures Committee

69B-211.041 Definitions.

For purposes of this rule part, the following definitions shall apply:

(1) through (2) No change.

~~(3)(5)~~ “Felony” means and includes any crime of any type, whether or not related to insurance, which crime is designated as a “felony” by statute in the jurisdiction state of prosecution, or designated as a “felony” in the charges, or which crime is punishable under the law of the prosecuting jurisdiction by imprisonment of more than one year regardless of how classified in the charges or statutes. If a crime is a felony in the jurisdiction state of prosecution, it shall be treated as a felony under this rule ~~part~~ notwithstanding that the same activity ~~is~~ is not a felony in Florida. If a crime is considered a misdemeanor in the jurisdiction of prosecution, it shall be treated as a

misdemeanor under this rule notwithstanding that the same activity is a felony in Florida. The term “felony” includes felonies of all degrees.

~~(4)(7)~~ No change.

~~(5)(8)~~ “Misdemeanor” means and includes any crime of any type, ~~whether or not related to insurance~~, which crime is designated as a “misdemeanor” by statute in the jurisdiction state of prosecution, or is so designated in the charges, or is punishable under the law of the prosecuting jurisdiction by imprisonment of one year or less. The term includes misdemeanors of all degrees.

~~(6)(9)~~ No change.

69B-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) No change.

~~(2)(4)~~ Effect of Failure to Truthfully Answer Fully Disclose Law Enforcement Record on Application Questions Regarding Applicant’s Law Enforcement Record.

(a) No change.

(b)1. If an applicant fails to accurately and truthfully answer Department questions about the applicant’s fully and properly disclose the existence of Law Enforcement Records, as required by the application, the application shall be denied and a disqualifying period of one year shall waiting period will be imposed before the applicant may reapply for or be granted any license. As an alternative to a one-year disqualifying period, the applicant may elect to pay an administrative penalty of \$1500. This includes answering any application question about the existence of Law Enforcement Records in the negative when an affirmative answer was appropriate. This one-year disqualifying period shall begin the later of: (1) the date of the initial application or (2) the end of any disqualifying period based on the criminal history of the applicant. The Mitigating Factors in Section 7, below, shall not be used to reduce the amount of the disqualifying period for failure to disclose.

2. No change.

~~(3)(5)~~ Classification of and Treatment of Certain Felony and Misdemeanor Crimes.

(a) through (b) No change.

(c) For the purposes of this rule, the seven year disqualifying period in Section 626.207(4)(b), F.S., applies to all felony cases involving the passing or uttering of a worthless bank check, or obtaining property in return for a worthless bank check or any other check-related felony where the check or property involved is worth \$500 or less.

~~(12)(18)~~ Effect of Varying Terminology.

(a) For purposes of this rule, if the jurisdiction in which the applicant was prosecuted does not define or categorize felony crimes as they are defined or categorized in Florida as capital, first degree, second degree, or third degree felonies, the Department shall analogize the crime to the most similar crime

under Florida laws by using the elements of that crime as defined in the statute of the jurisdiction in which the applicant was prosecuted and matching those elements to the most similar Florida Statute.

~~(b)(a)~~ No change.

~~(c)(b)~~ When necessary. In all other instances the Department will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(19) through (24) renumbered (13) through (15) No change.

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-17.0036
 RULE TITLE: Course Required for Initial Licensure and Registration

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 21, May 25, 2012 issue of the Florida Administrative Weekly.

The following summary of the agency’s statement of estimated regulatory costs is provided:

Approximately 170 persons apply for licenses each year that require the communicable disease course. The required 2 hour course is offered by online vendors for \$50 or less. Assume that the value of the applicant’s time is valued at \$12 per hour; the time to register for and complete the course and obtain the certificate of completion is estimated at 2.5 hours; total time cost is thus \$30. Add the cost of the course, and the total cost per affected person is estimated at \$80. However, this is a reduction from the current situation, which requires a course in HIV-AIDs in addition to a communicable disease course.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-100.036
 RULE TITLE: Proof of satisfying educational requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 21, May 25, 2012 issue of the Florida Administrative Weekly.

The following summary of the agency’s statement of estimated regulatory costs is provided: The Division estimates that approximately 100 persons per year will be affected by the rule. The Division estimates that it will take the typical affected person 30 minutes to obtain the documentation required by the rule. If the value of the affected person’s time

is set at \$15 per hour, the cost per affected person is \$7.50; times 100 people per year = \$750 per year; times 5 years = \$3,750.

Also, the Notice of Rule Development was incorrectly stated have been published on August 4, 2011, whereas said Notice was actually published on August 5, 2011.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) hereby gives notice on June 14, 2012, the District's Governing Board issued SFWMD Order No. 2012-064-DAO-ROW to Brian and Tammy Rayfield (Application No. 11-0818-3). The petition for waiver was received by the District on April 18, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 18, on May 4, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing dock within the north right of way of the C-16 Canal at the rear of the east 25' of Lot 42 and the west 6' of Lot 43, Harbor Estates to remain; Section 22, Township 45 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the low member elevation of pile-supported docking facilities within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the dock is located downstream of the District's S-41 Water Control Structure and will not interfere with the District's operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon substantial hardship and principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, Florida 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on May 24, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Crepe Maker located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and collect wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

The Petition for this variance was published in Vol. 38, No. 23 on June 8, 2012. The Order for this Petition was signed on June 15, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks for the handwash and three-compartment sinks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash and three-compartment sinks are provided with hot and cold running water under pressure. The handwash sink must also be equipped with soap, approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN that on June 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lakewood Mid-Rise Condominium Association, Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, 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 and door restrictors 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 2012-192).