

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-65.001	Purpose
5B-65.002	Definitions
5B-65.003	Wood Boring Pests and Wood Inhabiting Pests That are Harmful to Florida Agriculture, Landscape Plants and Native Plants
5B-65.004	Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products
5B-65.005	Movement of Regulated Articles

PURPOSE AND EFFECT: The purpose of this rule is to prevent the introduction and spread of serious plant pests harbored in or infesting firewood and unprocessed wood products. This will affect the interstate and intrastate movement of firewood and unprocessed wood products that are not treated to eliminate the plant pests of concern in order to protect Florida's forests and other plant resources.

SUBJECT AREA TO BE ADDRESSED: The movement of commercial shipments of firewood, unprocessed wood products and other regulated articles into the state is prohibited unless the shipper has entered into a signed compliance agreement with the state of origin under a master permit that has been issued to the state of origin by the Director. Locally produced or harvested firewood and unprocessed wood products are exempt from this rule provided they are not moved 50 miles from the distribution point.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (4), (5), (7) FS.

LAW IMPLEMENTED: 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) 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.

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: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, 1911 Southwest 34th

Street, Gainesville, Florida 32608. 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 IS: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S.W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-65.001 Purpose.

The purpose of this rule chapter is to establish procedures to prevent the introduction of wood boring pests, wood inhabiting pests, and plant disease pathogens into the state, and prevent the spread of these pests within the state by regulating the movement of firewood and unprocessed wood products that can harbor wood boring and wood inhabiting pests and plant disease pathogens.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.002 Definitions.

For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Commercial Shipments. Shipments of regulated articles intended for public or private sale or distribution within the state.

(2) Compliance Agreement. An agreement, meeting the requirements of subsection 5B-65.005(1), F.A.C., between a shipper and the state of origin pursuant to the Master Permit of the state of origin.

(3) Firewood. Cut wood products intended for burning.

(4) Infected. Regulated articles found with plant disease pathogens.

(5) Infested. Regulated articles found with plant pests.

(6) Master Permit. A permit issued by the department to the state of origin allowing the movement of regulated articles into and within the state and specifying the conditions under which the regulated articles are allowed to be moved.

(7) Plant Disease Pathogen. Any organism that can infect plants and cause plant disease.

(8) Producers. Individuals or companies responsible for cutting, packing or distributing regulated articles into or within the state.

(9) Regulated Articles. Firewood or unprocessed wood products including palm products and cut Christmas trees.

(10) Shippers. Individuals or companies responsible for sending or transporting regulated articles into the state.

(11) Unprocessed wood products. Bark, trunks, limbs, stumps or other woody plant material that results from yard waste, incorporated into the construction of furniture, handicrafts, planting containers or other products that have not been treated, processed or finished to eliminate plant disease pathogens, wood boring pests, and wood inhabiting pests as defined in subsections 5B-65.002(7), (12) and (13), F.A.C.

(12) Wood boring pest. Any organism that physically bores into or through the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

(13) Wood inhabiting pest. Any organism that spends part of its life cycle within the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.003 Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants.

The following wood boring and wood inhabiting pests are known to infest firewood and other unprocessed wood products and can be transported through the movement of these products to areas where they can infest and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Agrilus planipennis*, emerald ash borer;
- (2) *Anoplophora glabripennis*, Asian longhorned beetle;
- (3) *Bursaphelenchus cocophilus*, red ring nematode;
- (4) *Dinapate wrighti*, giant palm borer;
- (5) *Hylurgus ligniperda*, red-haired pine bark beetle;
- (6) *Hylurgops palliates*, exotic bark beetle;
- (7) *Metamasius hemipterus*, silky cane weevil;
- (8) *Orthotomicus erosus*, Mediterranean pine engraver beetle;

- (9) *Rhynchophorus cruentatus*, palmetto weevil;
- (10) *Rhynchophorus ferrugineus*, red palm weevil;
- (11) *Rhynchophorus palmarum*, American palm weevil;
- (12) *Scaphoideus luteolus*, whitebanded elm leafhopper;
- (13) *Scolytus schevyrewi*, banded elm bark beetle;
- (14) *Sirex noctilio*, Sirex woodwasp;
- (15) *Tomicus piniperda*, pine shoot beetle;
- (16) *Xyleborus glabratus*, redbay ambrosia beetle;
- (17) *Xyleborus similis*.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.004 Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products.

Pathogens that cause the following plant diseases are known to infect firewood and unprocessed wood products and can be transported through the movement of these products to areas where they can infect and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Nectria coccinea* var *fagiolata* and *N. galligena*, beech bark disease;
- (2) *Discula destructiva*, dogwood anthracnose;
- (3) *Ophiostoma ulmi* and *O. novo-ulmi*, Dutch elm disease;
- (4) *Candiatius Phytoplasma ulmi*, elm yellows;
- (5) *Raffaelea lauricola*, laurel wilt disease;
- (6) *Ceratocystis fagacearum*, oak wilt disease;
- (7) *Phytophthora ramorum*, sudden oak death.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.005 Movement of Regulated Articles.

(1) In order to prevent the introduction and spread of nuisance pests and diseases listed in Rules 5B-65.003 and 5B-65.004, F.A.C., the movement of commercial shipments of regulated articles into the state is prohibited except under a Master Permit (Master Permit For Wood Products, DACS-08444, 06/09) issued by the Department. Such permit will stipulate the conditions under which the regulated articles can be moved into the state. The Master Permit for Firewood and Unprocessed Wood Products, DACS-08444, 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. The Master Permit will require all shippers of regulated articles to be under compliance with the state of origin's plant regulatory organization. A Compliance Agreement issued under a Master Permit shall indicate the requirements for inspections and/or treatments. Only heat, fumigation, or chemical treatments in accordance with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Treatment Manual (Rev. 09/2008), Treatment Schedules T312 – Oak Logs and Lumber and T314 – Logs and Firewood, shall be required in the compliance agreement. The Treatment Schedules are herein incorporated by reference and may be obtained from the following website: http://www.aphis.usda.gov/import_export/plants/manuals/ports/treatment.shtm.

(2) Any shipment of firewood or unprocessed wood products found infested or infected with a wood boring or wood inhabiting pest or plant disease pathogen listed in Rule 5B-65.003 or 5B-65.004, F.A.C., shall be quarantined and returned to the shipper or producer or destroyed by the

Department at the expense of the shipper. Infested or infected regulated articles will be placed under Stop Sale and Hold Order DACS-08016, Rev. 11/08. Commercial shipments entering the state through the Department's agricultural interdiction stations without certification of compliance with the Master Permit of the state of origin shall be issued a Report of Plant and Plant Material in Transit, DACS Form 08003, Rev. 06/09, and Report of Plant and Plant Material in Transit Addendum, DACS Form 08441, Rev. 06/09, for the official disposition of the plant material. DACS Form 08003, Rev. 06/09 and Form 08441, Rev. 06/09 are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. Non-commercial shipments entering the state through the Department's agricultural interdiction stations without certification will be allowed entry only when issued and accompanied by a Report of Non-Commercial (Homeowner) Plants or Firewood Without Certification in Transit from Other States DACS-08105, Rev. 06/09, issued at the station. DACS form 08105, Rev. 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shippers found in violation of the rule will be suspended from shipping under the master permit issued with the state of origin. The suspension shall remain in effect until the department of agriculture of the state of origin has notified the Division of Plant Industry in writing that the shipper is in compliance with all requirements for treatment of firewood or unprocessed wood products.

(3) The destruction or return of shipments in violation of this rule chapter shall be at the expense of the shipper.

(4) Prior to the intrastate movement of commercial shipments of firewood or unprocessed wood products, the owner of the articles must submit DACS 08459, Rev.06/09, Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida to the Division of Plant Industry unless exempted in subsection (7). The form Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida, DACS 08459, Rev.06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100.

(5) The importation or movement of non-certified, commercial or non-commercial shipments of firewood or unprocessed wood products within or into the state is prohibited except as permitted in subsection (7).

(6) Cut Christmas trees may enter the state provided they are accompanied by a federal certificate required for movement from regulated areas of the United States or a certificate of inspection issued by the department of agriculture in the state of origin.

(7) Exemptions:

(a) Locally produced or harvested firewood and unprocessed wood products harvested or produced within a 50-mile radius of the distribution point and not moved more than 50-miles from the point of origin.

(b) Primary and secondary forest products (including saw logs, saw timber, chip-n-saw, sawdust, veneer logs, pulpwood, and chips) transported for processing at pulp/paper mills, saw mills (including plywood plants), OSB plants, mulch plants, and biomass plants.

(c) Commercial shipments of processed mulch destined for further distribution at retail outlets if the shipments are accompanied by proper bill of lading, proof of origin and any applicable federal certificates for shipments originating from a USDA-regulated area.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:

RULE TITLE:

5E-2.040

Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department's purpose in applying these guidelines is to achieve compliance with Section 32, Senate Bill No. 1744, amending Chapter 487, F.S. SUBJECT AREA TO BE ADDRESSED: Pesticide active ingredients subject to supplemental registration fee.

SPECIFIC AUTHORITY: 487.041(1)(d) FS.

LAW IMPLEMENTED: 487.041(1)(d) 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: Dr. Dennis Howard, Bureau Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399; (850)487-0532

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: These amendments propose to reclassify the shellfish harvesting areas #79 South Banana River and #88 South St. Johns. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the South Banana River and the South St. Johns shellfish harvesting areas.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the South Banana River and the South St. Johns shellfish harvesting areas for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: July 31, 2009, 2:00 p.m.

PLACE: Division of Aquaculture, Palm Bay Office, 1378 Malabar Road, Suite 1, Palm Bay, Florida 32909

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: Chris Brooks, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301; telephone: (850)488-4033. 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: Chris Brooks

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09412
RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate the course descriptions of new courses into the "Course Code Directory and Instructional Personnel Assignments" for 2009-2010, as required in SBE

subsection 6A-1.09441(5), F.A.C. Course descriptions in science, physical education, and health education are revised to align courses in these content areas with the new content standards previously approved by the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: New course descriptions to be adopted in the "Course Code Directory and Instructional Personnel Assignments" for science, physical education, and health education to align these course descriptions with the revised content standards.

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 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: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, Florida; (850)245-0764, todd.clark@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.002	Informal Conference Procedures
12D-9.003	Composition of Value Adjustment Board
12D-9.004	Duties of the Board
12D-9.005	Appointment of Clerk of the Value Adjustment Board
12D-9.006	Role of the Clerk of the Value Adjustment Board
12D-9.007	Appointment of Legal Counsel to the Value Adjustment Board
12D-9.008	Role of Legal Counsel to the Board
12D-9.009	Appointment of Special Magistrates to the Value Adjustment Board
12D-9.010	Role of Special Magistrates to the Value Adjustment Board
12D-9.011	Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel

12D-9.012	Employment and Role of Board Appraisers or Evaluators
12D-9.013	Organizational Meeting of the Value Adjustment Board
12D-9.014	Prehearing Checklist
12D-9.102	Definitions
12D-9.106	Petition; Form and Filing Fee
12D-9.107	Representation of the Taxpayer
12D-9.108	Scheduling and Notice of a Hearing
12D-9.110	Exchange of Evidence
12D-9.111	Withdrawn or Settled Petitions;
	Petitions Acknowledged as Correct
12D-9.112	Hearings Before Board or Special Magistrates
12D-9.113	Procedures for Commencement of a Hearing
12D-9.115	Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses
12D-9.116	Process of Administrative Review
12D-9.117	Procedures for Conducting a Hearing by Electronic Media
12D-9.118	Disqualification or Recusal of Special Magistrates or Board Members
12D-9.119	Ex Parte Communication Prohibition
12D-9.120	Record of the Proceeding
12D-9.121	Petitions on Transfer of "Portability" Assessment Difference
12D-9.122	Procedures for Remanding Just Value or Classified Use Value Assessments
12D-9.131	Recommended Decisions
12D-9.132	Consideration and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards in Administrative Reviews
12D-9.133	Final Decisions
12D-9.134	Filing and Service
12D-9.145	Further Judicial Proceedings
12D-9.150	Duty of Clerk to Prepare and Transmit Record
12D-9.151	Procedures for Petitions on Denials for Tax Deferrals
12D-9.165	Certification of Assessment Rolls
12D-9.200	Public Notice of Findings and Results of Value Adjustment Board

PURPOSE AND EFFECT: The purpose of these proposed rules is to establish uniform procedures for hearings before value adjustment boards and their special magistrates, and to adopt proposed uniform forms that support these procedures. The effect of these proposed rules is that taxpayers who petition property tax matters to Value Adjustment Boards have

access to comprehensive information about the procedures that govern the hearing of their petitions. Written comments may be submitted to the Department by email, and to an Internet site at <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was specifically created to give the public access to all versions of the proposed rules and forms, to give the public a site to which they could submit comments, and to give the public the opportunity to view the comments submitted by others. The preliminary text of these proposed rules will be available from the contact person listed below or from the Department's website stated above on or about July 24, 2009. General comments, questions, or suggestions about the value adjustment board process may be submitted by email to the Department at VAB@dor.state.fl.us.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed new rules in proposed new rule Chapter 12D-9, Florida Administrative Code, is the proposed procedures to be used by value adjustment boards to hear petitions from taxpayers. These proposed new rules on board procedures are being supported by proposed new and revised forms to be adopted in Rule 12D-16.002, Florida Administrative Code, for which a rule development workshop is also being held at the same date, time, and place as this workshop. A separate notice for the rule development workshop for these proposed new and revised forms is also being published in the Weekly.

RULEMAKING AUTHORITY: 194.011(5), 194.034, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: ss. 3, 4, 5, and 6, Ch. 2008-197, L.O.F., 28.12, 192.001, 192.0105, 193.074, 193.122, 193.155, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.171, 194.301, 195.002, 195.022, 195.092, 195.096, 195.097, 196.011, 196.151, 196.193, 196.194, 197.122, 197.253, 197.301, 197.3041, 197.3047, 197.3073, 197.3079, 200.069, 213.05, 465.611, 475.611, Ch. 475, Part II FS., AGO 2002-058, AGO 2008-055, AGO 2008-056.

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

DATE AND TIME: August 4, 2009, 9:00 a.m.

PLACE: Training Room D, Building C-1, Taxworld, 5050 W. Tennessee Street, Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, digital video production, and conference calling technology. The requirements to participate are access to the Internet and a phone. The public can participate in this electronic hearing by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be posted on the Property Tax Oversight Program's VAB Internet site on or before July 24, 2009.

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: Janice Forrester at (850)922-7945. 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 Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us.

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list the proposed new and amended forms that will support the proposed new rules in Rule Chapter 12D-9, Florida Administrative Code (Requirements for Value Adjustment Boards in Administrative Reviews; Uniform Rules of Procedure For Hearings Before Value Adjustment Boards). The effect of these proposed rules is that taxpayers who petition property tax matters to Value Adjustment Boards, including property tax assessments, denials of classifications, and denials of exemptions, portability assessment difference transfers and deferrals have access to, and have an opportunity to comment on, the proposed forms that support the proposed value adjustment board hearing procedures in new Rule Chapter 12D-9, Florida Administrative Code. Written comments may be submitted to the Department by email, and to an Internet site at: <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was specifically created to give the public access to all revised versions of the proposed rules and forms, to give the public a site to which they could submit comments, and to give the public the opportunity to view the comments submitted by others. The preliminary text of the proposed forms will be available from the contact person listed below or from the Department's website stated above on or about July 24, 2009. General comments, questions, or suggestions about the value adjustment board process may be submitted by email to the Department at VAB@dor.state.fl.us.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed revisions to Rule 12D-16.002, Florida Administrative Code, is the proposed new and revised

forms that support the proposed new and amended rules on value adjustment board (the board) procedures. These proposed board procedures are contained in new Rule Chapter 12D-9, Florida Administrative Code, for which a rule development workshop is also being held at the same date, time, and place as this workshop. A separate notice for the rule development workshop for these proposed rules on board procedures is also being published in the Weekly.

RULEMAKING AUTHORITY: 194.011(5), 194.034, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: ss. 3, 4, 5, and 6, Ch. 2008-197, L.O.F., 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66, Ch. 475, Part II FS.

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

DATE AND TIME: August 4, 2009, 9:00 a.m.

PLACE: Florida Department of Revenue, Training Room D, Building C-1, Taxworld, 5050 West Tennessee Street, Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, digital video production, and conference calling technology. The requirements to participate are access to the Internet and a phone. The public can participate in this electronic hearing by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be posted on the Property Tax Oversight Program's VAB Internet site on or before July 24, 2009.

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: Janice Forrester at (850)922-7945. 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 Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-85.001	Definitions
14-85.002	Responsibilities of Program Administrator and Department
14-85.003	Qualification of Interchanges
14-85.004	Logo Sign Program
14-85.005	Logo Structures
14-85.006	Configuration of Business Logos
14-85.007	Business Logos and Dual Business Logos
14-85.008	Installation, maintenance and Removal of Logo Structures and Business Logos
14-85.009	Qualification of Businesses
14-85.010	Permits
14-85.011	Priority of Applications
14-85.012	Permit Renewal
14-85.013	Rotation
14-85.014	Denial, Revocation, Suspension, or Cancellation of Permit

PURPOSE AND EFFECT: A substantial amendment and rewrite of Rule Chapter 14-85, F.A.C., pertaining to the Logo Sign Program. Rule 14-85.004, F.A.C., is being repealed and additional rules are being added to the Rule Chapter to clarify the Logo program requirements.

SUBJECT AREA TO BE ADDRESSED: The new rules will incorporate the revisions made to Section 479.261, F.S., during the 2009 legislative session.

RULEMAKING AUTHORITY: 479.261 FS.

LAW IMPLEMENTED: 479.261 FS.

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

DATE AND TIME: July 31, 2009, 10:00 a.m.

PLACE: Florida Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-3.001	Definitions and Forms
27M-3.002	Application Process
27M-3.003	Certification Decision

PURPOSE AND EFFECT: The Office intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Black Business Loan Program forms.

RULEMAKING AUTHORITY: 288.7102(6)(1) FS.

LAW IMPLEMENTED: 288.7094(2), 288.7102 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: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-103.019	Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-236, Inmate Request, to move language regarding use of the form as an informal grievance to the first page of the form and to clarify the procedure by which copies of the form are maintained and distributed to the inmate and responding official.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) No change.
- (2) Form DC6-236, Inmate Request, effective 8-27-07.
- (3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-108.201	Sanitary Practices Relating to Correctional Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for the processing of and response to complaints related to sanitary conditions in correctional facilities.

SUBJECT AREA TO BE ADDRESSED: Sanitary conditions in correctional facilities.

RULEMAKING AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 20.315, 944.09, 944.31 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.201 Sanitary Practices Relating to Correctional Facilities.

(1) Pursuant to Section 944.31, F.S., the Office of the Inspector General is charged with inspection of each correctional facility with reference to its physical conditions, cleanliness, sanitation, safety and comfort; the quality and

supply of all bedding; the quality, quantity and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

(2) Each facility will be inspected monthly by the facility environmental health and safety officer and annually by the regional safety consultant and records of such inspections shall be maintained for three years in order to facilitate review in assuring maintenance of safety standards.

(3) Complaints regarding the matters outlined in subsection (1) above shall be forwarded to the Office of the Inspector General. Upon receipt of a complaint, the Office of the Inspector General shall review the complaint to determine whether further inspection of the facility is necessary in order to ensure compliance with state law and administrative regulations.

(3) If a determination is made that a violation exists, the Department will take the necessary steps to bring the facility into compliance with the applicable regulation.

Rulemaking Authority 944.09 FS. Law Implemented 20.15, 944.09, 944.31 FS. History–New

COMMISSION ON ETHICS

RULE NO.:	RULE TITLE:
34-7.010	List of Forms and Instructions

PURPOSE AND EFFECT: The Commission intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Financial disclosure forms and instructions (CE Forms 1, 6, 1F and 6F, and 1X and 6X), and the Executive Branch lobbyist registration form and instructions (CE Form 20) will be affected by this rulemaking.

RULEMAKING AUTHORITY: Art. II, Sec. 8(f), (h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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: Julia Cobb Costas, Senior Attorney, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: RULE TITLE:

64B-9.001 Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect would be to repeal a portion of the rule that is difficult to administer.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing.

RULEMAKING AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH**Board of Massage**

RULE NO.: RULE TITLE:

64B7-31.001 Colonic Irrigation

PURPOSE AND EFFECT: To change the Board approved examination.

SUBJECT AREA TO BE ADDRESSED: Colonic Irrigation.

RULEMAKING AUTHORITY: 456.036, 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 456.036, 480.032, 480.033, 480.041(4) 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: Kay Howerton, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Massage**

RULE NO.: RULE TITLE:

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To change the course requirements for Board-approved massage therapy schools.

SUBJECT AREA TO BE ADDRESSED: Board-approved massage therapy schools.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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: Kay Howerton, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Opticianry**

RULE NO.: RULE TITLE:

64B12-16.003 Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the procedures regarding apprenticeship requirements and training program.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship requirements and training program.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-25.170
 RULE TITLE: Probable Cause Panel
 PURPOSE AND EFFECT: The Board proposes the rule amendment to expand probable cause candidates.
 SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.
 RULEMAKING AUTHORITY: 465.015 FS.
 LAW IMPLEMENTED: 456.073, 465.013 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: Rebecca Poston, 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 Pharmacy

RULE NOS.:	RULE TITLES:
64B16-26.203	Licensure by Examination; Application
64B16-26.2031	Licensure by Examination; Foreign Pharmacy Graduates
64B16-26.2032	Licensure by Examination; Internship Requirements
64B16-26.2033	Pharmacy Intern Registration and Internship Requirements (Foreign Pharmacy Graduates)
64B16-26.204	Licensure by Endorsement
64B16-26.205	Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate new applications.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of new applications.
 RULEMAKING AUTHORITY: 456.033, 465.005, 465.007, 465.0075 FS.
 LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.003(12), 465.007, 465.0075, 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: Rebecca Poston, 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 Pharmacy

RULE NO.:	RULE TITLE:
64B16-27.420	Pharmacy Technician 2:1 or 3:1 Ratio

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification of registered pharmacy technician responsibilities.
 SUBJECT AREA TO BE ADDRESSED: Responsibilities of registered pharmacy technicians.
 SPECIFIC AUTHORITY: 465.005, 465.014 FS.
 LAW IMPLEMENTED: 465.014 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: Rebecca Poston, 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 FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-241.010	Purpose
69B-241.020	Scope
69B-241.030	Definitions
69B-241.040	Calculating Penalty
69B-241.070	Departmental Discretion
69B-241.080	Penalties for Violation of Section 648.44, F.S.
69B-241.090	Penalties for Violation of Section 648.45, F.S.

- 69B-241.100 Penalties for Violation of Other Specific Provisions of the Insurance Code
- 69B-241.110 Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.
- 69B-241.120 Penalties for Violation of Other Insurance Code Provisions
- 69B-241.130 Penalties for Violation of Other Department Rules
- 69B-241.140 Penalties for Violation of Department Orders
- 69B-241.150 Criminal Proceedings
- 69B-241.160 Aggravating/Mitigating Factors
- 69B-241.165 Imposition of Administrative Fine In Lieu of Suspension
- 69B-241.170 Field Office Settlement Stipulation

PURPOSE AND EFFECT: The purpose of the proposed rule chapter is to establish clear standards for penalties imposed upon bail agents subject to the provisions of Chapter 648, F.S. and Rule Chapter 69B-221, F.A.C. The effect is to provide guidelines which provide a consistent approach to penalties for violations of statute and rules.

SUBJECT AREA TO BE ADDRESSED: Penalty guidelines for bail bond agents.

RULEMAKING AUTHORITY: 624.308, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 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: Tuesday, August 11, 2009, 9:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, 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: Ray Wenger, (850)413-5660 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, Financial Administrator, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5660

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DEPARTMENT'S DIVISION OF AGENT AND AGENCY SERVICES WEBSITE AT: <http://staging.fldoi.gov/agents/Industry/Laws-Rules/docs/BBPenGuide.doc>

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.001
RULE TITLE: List of Approved Forms; Incorporation by Reference

PURPOSE AND EFFECT: Proposed rule amendment to delete subsection 69K-1.001(5), F.A.C., which references Form DFS-RTF-1, "Preneed Funeral Contract Regulatory Trust Fund Remittance," and to delete Form DFS-TFR-1, "Preneed Funeral Contract Consumer Protection Trust Fund Remittance," from subsection 69K-1.001(17), F.A.C. Subsection 69K-1.001(17), F.A.C., is changed to reference the new Form DFS-PNR, "Quarterly Preneed Remittance." The new form can be used to collect remittances for both the Preneed Contract Consumer Protection Trust Fund and the Preneed Funeral Contract Regulatory Trust Fund Remittance, thereby streamlining the administrative process and conserving resources. The proposed rule is renumbered to reflect these changes.

SUBJECT AREA TO BE ADDRESSED: New Form DFS-PNR to replace deleted Form DFS-TFR-1.

RULEMAKING AUTHORITY: 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS.

LAW IMPLEMENTED: 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 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: Friday, August 28, 2009, 10:00 a.m.
 PLACE: Alexander Building, 2020 Capital Circle Southeast, 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: Doug Shropshire, (850)413-3039 or Doug.Shropshire@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: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 or (850)413-3039 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 Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.0024
 RULE TITLE: Remittances to the Regulatory Trust Fund

PURPOSE AND EFFECT: The proposed rule amendment deletes and replaces all existing language in subsection 69L-5.0024(6), F.A.C. to reflect the deletion of Form DFS-RTF-1 (Preneed Funeral Contract Regulatory Trust Fund Remittance). That form is replaced by new Form DFS-PNR (Quarterly Preneed Remittance). The new form serves to collect remittances from both the Regulatory Trust Fund and the Preneed Funeral Contract Consumer Protection Trust Fund, thereby streamlining the administrative process.

SUBJECT AREA TO BE ADDRESSED: New language to replace existing language and related form.

RULEMAKING AUTHORITY: 497.103, 497.453(1) FS.

LAW IMPLEMENTED: 497.453(6), (9) 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: Friday, August 28, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire, (850)413-3039 or

Doug.Shropshire@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: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 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 Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-10.003
 RULE TITLE: Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

PURPOSE AND EFFECT: The proposed rule amendment adds new subsection, subsection 69K-10.003(3), F.A.C., which specifies that quarterly preneed remittances made by preneed licensees to the Preneed Funeral Contract Consumer Protection Trust Fund are to be made using new Form DFS-PNR (Quarterly Preneed Fund Remittance), which the Department shall provide to preneed licensees on a quarterly basis. The proposed amendment also includes a technical correction.

SUBJECT AREA TO BE ADDRESSED: New subsection and related new form.

RULEMAKING AUTHORITY: 497.103, 497.461(4), 497.462(10), 497.464 FS.

LAW IMPLEMENTED: 497.456(2), (13)(f), 497.458, 497.461, 497.462, 497.464 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: Friday, August 28, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire, (850)413-3039 or Doug.Shropshire@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: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 or (850)413-3039 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 COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9B-72.090	Product Approval by the Commission

PURPOSE AND EFFECT: Increase product approval fees to a level that generates sufficient revenue to pay for the costs associated with the program.

SUMMARY: Fees are increased as indicated to generate revenue necessary to operate the product approval program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Regulatory Cost has been prepared and is available by contacting Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091.

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: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: August 11, 2009, 8:30 or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Crown Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850)922-6091. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(b) through (g) No change.

(2) Fees for state approval of products.

(a) Fee for approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) per subcategory of product. The Commission shall review annually and adjust fees accordingly.

(b) Fee for reinstatement after suspension, Fifty Dollars (\$50.00) per product, plus billable staff hours at Fifty Dollars (\$50.00) per hour, plus consultant fees.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Six Five Hundred Dollars (\$600.00) (~~(\$500.00)~~), annual renewal fee, Two One Hundred Fifty Dollars (\$250.00) (~~(\$100.00)~~), revision fee, Two One Hundred Dollars (\$200.00) (~~(\$100.00)~~).

(d) Fee for revision of an existing approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) for a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred Fifty Dollars (\$150.00) (~~(\$100.00)~~).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, One Hundred Fifty Dollars (\$100.00) (~~(\$50.00)~~).