

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

RULE NO.: 12-3.0017
RULE TITLE: Adoption of Materials That Contain Departmental Procedures

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-3.0017, F.A.C., is to adopt the updated form GT400116 (Stratified Statistical Sampling Manual) and updated form GT300034 (Auditing in an Electronic Environment (e-auditing)), which will include procedures for applying existing sampling methodologies to fixed assets. The effect of the proposed amendments to this rule is to provide affected parties with information about how the Department applies its sampling methods to fixed assets.

SUBJECT AREA TO BE ADDRESSED: Procedures for applying existing sampling methods to fixed assets.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 212.12, 212.13, 213.35 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: Debra Gifford, Tax Law Specialist, Technical Assistance and Dispute Resolution, Florida Department of Revenue, P. O. Box 7443, 501 S. Calhoun Street, Tallahassee, Florida 32399-0111, telephone (850)922-9410, email address GifforDD@dor.state.fl.us. The preliminary text of the proposed rule will be available on the department's Internet site at myflorida.com/dor/rules on or before October 16, 2009

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

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."

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

PURPOSE AND EFFECT: To revise and clarify the assessment of administrative fines for violations on state-owned submerged land. The proposed amendments will provide for issuance of a Warning Letter instead of a Notice of Violation for unauthorized actions on state-owned submerged lands. Currently, Chapter 18-14, F.A.C., requires staff to use a formal Notice of Violation to provide initial notice of unresolved violations and potential fines. The proposed amendments streamline this process to one document that notifies the responsible party of violations and allows for the Department to collect fines if the responsible party refuses to comply with required corrections. This change will be more efficient for staff and the public. Further, the proposed amendments remove language that imposes limits on fines for first and second offenses. Lastly, the amendments make it a violation of the rule to fail to comply with an order of the Board of Trustees of the Internal Improvement Trust Fund or to fail to comply with a condition of authorization to locate a structure or vessel on state land.

SUBJECT AREA TO BE ADDRESSED: Assessing and collecting administrative fines for violations on state-owned lands.

RULEMAKING AUTHORITY: 253.04(2) FS.

LAW IMPLEMENTED: 253.04 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: October 23, 2009, 10:00 a.m. ET

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, FL

Toll Free Teleconference Number (888)808-6959, Conference Code 2458486

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 hours before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Donna Kendall, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, M.S. 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8488, or e-mail: Donna.Kendall@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 08-0631)

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

FLORIDA PAROLE COMMISSION

RULE NO.: 23-15.015
 RULE TITLE: Indexing of Orders
 PURPOSE AND EFFECT: The Commission proposes to amend a current rule to update it to conform to current practices and procedures.

SUBJECT AREA TO BE ADDRESSED: Rule addresses which orders of the Commission are indexed.

RULEMAKING AUTHORITY: 120.533(2), 947.07 FS.

LAW IMPLEMENTED: 120.53(1)(a), 947.071 FS.

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

DATE AND TIME: October 22, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450

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: Sarah J. Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NO.: 23-20.003
 RULE TITLE: Criteria for Program Eligibility
 PURPOSE AND EFFECT: The Commission proposes to amend a current rule to clarify eligibility requirements for the mutual participation program.

SUBJECT AREA TO BE ADDRESSED: Mutual Participation Program eligibility is only for those eligible for parole consideration.

RULEMAKING AUTHORITY: 947.07, 947.135(3)(b), 947.20 FS.

LAW IMPLEMENTED: 947.135 FS.

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

DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450

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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-21.006	Initial Interview Procedure
23-21.007	Salient Factor Scoring
23-21.0165	Conditions of Parole
23-21.019	Parole Rescission
23-21.021	Warrant and Arrest
23-21.022	Revocation of Parole and Compulsory Conditional Release; Preliminary Hearings; Final Hearings

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete practices and procedures and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The initial interview procedure will be updated to include information regarding out-of-state inmates; the salient factor score will be updated to clarify criminal record; the conditions of parole will be updated to conform to other types of supervision; the parole rescission process will be updated to delete a reference to obsolete rules; the warrant and arrest procedure, revocation of parole, preliminary hearing and final hearings rules will be updated to conform to current practices and procedures.

RULEMAKING AUTHORITY: 947.07, 947.071, 947.165, 947.20 FS.

LAW IMPLEMENTED: 947.04, 947.06, 947.071, 947.13, 947.16, 947.165, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.19, 947.21, 947.22, 947.23, 947.24 FS.

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

DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450

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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-22.011	Notice of Release by Control Release
23-22.013	Control Release Supervision
23-22.014	Revocation of Control Release
23-22.015	Control Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The notice and forms procedures will be updated to delete obsolete practices. The supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.

RULEMAKING AUTHORITY: 947.07, 947.146, 947.20 FS.

LAW IMPLEMENTED: 947.141, 947.146, 947.147 FS.

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

DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450

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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-23.006	Conditional Release Definitions
23-23.007	Victim Information
23-23.008	Conditional Release Evaluation Procedure
23-23.009	Notice of Release by Conditional Release
23-23.010	Conditional Release Supervision
23-23.011	Revocation of Conditional Release
23-23.012	Conditional Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules, practices and procedures, and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The definitions, victim information, conditions of release, and revocation of release are being updated to conform to current practices and procedures and to standardize information with all other types of release under the Commission jurisdiction. The evaluation procedure, notice of release, and forms are being updated to delete practices and procedures no longer used by the Commission.

RULEMAKING AUTHORITY: 947.06, 947.07, 947.1405, 947.20 FS.

LAW IMPLEMENTED: 947.1405, 947.141 FS.

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

DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450

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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-24.020	Conditional Medical Release Eligibility
23-24.030	Conditions of Conditional Medical Release
23-24.050	Revocation of Conditional Medical Release
23-24.060	Conditional Medical Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The forms will be updated to delete obsolete ones. The eligibility, supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.
RULEMAKING AUTHORITY: 947.07, 947.149 FS.

LAW IMPLEMENTED: 947.141, 947.149 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450
 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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-25.002	Definitions
23-25.005	Revocation of Addiction Recovery Supervision

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, standardizing to conform to other types of Commission supervision.

SUBJECT AREA TO BE ADDRESSED: The supervision and revocation procedures will be updated to conform to current practices and procedures for other types of supervision.

RULEMAKING AUTHORITY: 944.4731 FS.
LAW IMPLEMENTED: 944.4731, 947.141 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: October 15, 2009, 2:00 p.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Hearing Rm. A, Tallahassee, Florida 32399-2450
 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: Sarah Rumph, General Counsel, (850)488-4460. 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: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.:	RULE TITLE:
40B-2.301	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-2, Florida Administrative Code, to add permit duration criteria for permits issued in the Upper Santa Fe River basin. The effect of the rule development will set forth factors for duration that provide reasonable assurance that the proposed water use satisfies the criteria for a 20-year permit duration. If reasonable assurance cannot be provided for a 20-year permit duration, permits may be issued for shorter durations which reflect the period for which reasonable assurances can be provided.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will set forth permit duration criteria for permits issued in the Upper Santa Fe River basin, based on reasonable assurance that the proposed water use satisfies criteria for the specific duration.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.226, 373.227, 373.229, 373.232, 373.236, 373.239, 373.250 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.340
RULE TITLE: Visual Services

PURPOSE AND EFFECT: The proposed amendment to Rule 59G-4.340, F.A.C., incorporates by reference in rule the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2010. The effect of the handbook update includes a reduction in Medicaid coverage for eyeglass frames and lenses for recipients age 21 and older and clarification of Visual Services policy.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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, October 27, 2009, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn Stephens, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, updated January 2010 ~~January 2006, updated January 2007~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~http://floridamedicaid.aes-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center Inquiry at (800)289-7799 ~~377-8216~~ and selecting Option 7.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, 10-12-04, 8-18-05, 5-22-06, 4-4-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-19.015
RULE TITLE: Inspections

PURPOSE AND EFFECT: The proposed rule amendment would change annual inspections to biennial inspections.

SUBJECT AREA TO BE ADDRESSED: Inspections.

RULEMAKING AUTHORITY: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 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: Barbers Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790

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

Board of Opticianry

RULE NO.: 64B12-8.020 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 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: 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 Opticianry

RULE NO.: 64B12-9.0015 RULE TITLE: Application for Examination and Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application form.

SUBJECT AREA TO BE ADDRESSED: Application for examination and licensure.

RULEMAKING AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014(2) 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 Opticianry

RULE NO.: 64B12-9.002 RULE TITLE: Re-Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Re-examination application form.

SUBJECT AREA TO BE ADDRESSED: Re-examination form.

RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.

LAW IMPLEMENTED: 456.017(2) 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 Opticianry

RULE NO.: 64B12-16.003 RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Apprentice Optician Application form.

SUBJECT AREA TO BE ADDRESSED: The apprentice optician application form.

RULEMAKING 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 Opticianry

RULE NO.: 64B32-5.007 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language to clarify citations and penalties.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 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: Allen Hall, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-2.032
 RULE TITLE: Optional State Supplementation Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule provides language for the referral of residents who receive Optional State Supplementation.

SUBJECT AREA TO BE ADDRESSED: The language in the proposed rule refers residents who receive Optional State Supplementation to adult family care homes and provides the resident with an adult family care home referral notice.

RULEMAKING AUTHORITY: 409.212(7) FS.

LAW IMPLEMENTED: 409.212, 429.67(8) 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: October 20, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-2.032 Optional State Supplementation Eligibility Criteria.

(1) An eligible individual must be age 65 or older, or age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act. Federal disability criteria are found at 20 C.F.R. § 416.20 ~~CFR 416~~.

(2) No change.

(3) An eligible individual must be a United States citizen or a qualified non-citizen as defined in 8 U.S.C. § 1641(b) ~~8 USC s. 1641(b)~~.

(4) An eligible individual must have income within standards established by the Department ~~department~~ in subsection 65A-2.036(3), F.A.C.

(5) No change.

(6) An individual must apply for and seek a determination of eligibility for all other monetary benefits for which they may be entitled or otherwise potentially eligible as required by federal regulation 20 C.F.R. § 416.210 ~~20 CFR s. 416.210~~ for the SSI program and by federal regulation 42 C.F.R. § 435.608 ~~42 CFR s. 435.608~~ for the Medicaid program.

(7) An eligible individual must be living in a licensed Assisted Living Facility (as defined in Section 429.02(5) ~~400.402~~, F.S.); a licensed Adult Family Care Home (as defined in Section 429.65(2) ~~400.618~~, F.S.); or, a licensed Mental Health Residential Treatment Facility (as defined in Section 394.67(22) ~~394.875~~, F.S.). Additionally, the facility must meet the individual's needs based on objective medical and social evaluations and care plans, in accordance with Chapter 58A-5, 58A-14 or 65E-4, F.A.C., respectively.

(8) Pursuant to Section 429.67(8), F.S., the Department of Children and Families will refer residents who receive Optional State Supplementation to adult family care homes by providing the resident with the CF-ES 2202, PDF 08/2009, Adult Family Care Home Referral Notice.

~~(9)~~(8) When appropriated Optional State Supplementation funding is insufficient to meet fiscal demands, a proportional reduction will be applied to Optional State Supplementation payments, but shall not affect maintenance of effort required per ~~s. 1618~~ of the Social Security Act § 1618.

(10) Copies of the form incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site at: <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Specific Authority 409.212(7) FS. Law Implemented 409.212, 429.67(8) FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended 12-16-01, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@floir.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-40.003
 RULE TITLE: Electronic Filing of Forms and Fees
 PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 494, Florida Statutes.
 SUBJECT AREA TO BE ADDRESSED: Mortgage Brokering and Mortgage Lending.
 RULEMAKING AUTHORITY: 494.0011 FS.
 LAW IMPLEMENTED: 494.0011 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.003 Electronic Filing of Forms and Fees.

- (1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.
- (2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.
- (3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person’s technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant’s or licensee’s name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-40, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History–New 10-21-08, Amended _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1013
 RULE TITLE: Electronic Filing of Forms and Fees
 PURPOSE AND EFFECT: The proposed rule amendment simplifies the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 560, Florida Statutes.
 SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.
 RULEMAKING AUTHORITY: 560.105 FS.
 LAW IMPLEMENTED: 560.105 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V 560, F.A.C., by filing a petition under Rule 28 106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History--New 1-13-09, Amended _____.

Section II Proposed Rules

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."

AGENCY FOR HEALTH CARE ADMINISTRATION Health Care Responsibility Program

RULE NOS.:	RULE TITLES:
59H-2.003	Definitions
59H-2.004	County Financial Participation and Lead Agency Responsibilities
59H-2.005	Hospital Participation
59H-2.006	Covered Services

59H-2.007	Determination of Eligibility
59H-2.009	Reimbursement Procedures
59H-2.010	Administrative Hearing; Applicant's Rights and Responsibilities
59H-2.011	Utilization Review

PURPOSE AND EFFECT: To repeal Rules 59H-2.003, 59H-2.004, 59H-2.005, 59H-2.006, 59H-2.007, 59H-2.009, 59H-2.010, 59H-2.011, F.A.C., because the Shared County and State Health Care Program was never funded and has never been an active program.

SUMMARY: Chapter 59H-2 – Shared County and State Health Care Program.

This rule is being repealed. The Shared County and State Health Care Program (Program) Rule was implemented under Section 409.2673, F.S., and was created in March of 1989. The Program was created to cover hospital costs for low income persons who did not meet the criteria for Medicaid or other state-funded or federally funded programs which included hospital care. The funding for the Program was based on a formula whereby a county provided 35% and the State provided 65%, or under certain circumstances, the State would provide 100% funding. This Program has never been funded and was never active.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 409.2673(4)(c) FS.

LAW IMPLEMENTED: 409.2673 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Hazel Greenberg, Program Administrator, Agency for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308, (850)487-0640

THE FULL TEXT OF THE PROPOSED RULES IS:

59H-2.003 Definitions.

Rulemaking Specific Authority Chapter 88-294, Section 27, Laws of Florida. Law Implemented 409.2673 FS. History--New 3-29-89, Amended 12-24-90, Formerly 10C-34.003, Amended 6-7-00, Repealed _____.