

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-23.002	Definitions
6A-23.003	Eligibility and Procedure for Bureau Registration
6A-23.004	Standards of Apprenticeship
6A-23.005	Apprenticeship Agreement
6A-23.006	Deregistration of Bureau Registered Program
6A-23.008	Complaints
6A-23.009	Reinstatement of Program Registration
6A-23.010	Preapprenticeship Programs
6A-23.011	Program Performance Standards

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update existing rules relating to registered apprenticeship programs to align with statutory changes, federal regulatory changes, and the needs of the apprenticeship community and labor market.

SUBJECT AREA TO BE ADDRESSED: Registered Apprenticeship Programs.

RULEMAKING AUTHORITY: 446.032, 446.041(12) FS.

LAW IMPLEMENTED: 446.021, 446.032, 446.041, 446.052, 446.071, 446.075, 446.081, 446.092 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
DATES AND TIMES: June 14, 2010, 9:00 a.m.; June 16, 2010, 9:00 a.m.; June 17, 2010, 9:00 a.m.

PLACES: June 14 – Department of Education, 325 West Gaines Street, Room 1707, Tallahassee, Florida 32399-0400
 June 16 – Mid Florida Tech Center, 2900 W. Oak Ridge Road, Building 1600, Room 228, Orlando, Florida 32809; and
 June 17 – Miami Lakes Educational Center, 5780 N. W. 158th St., Building F Auditorium, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Grisar, Senior Educational Program Director, Career and Adult Education, Department of Education, 325 West Gaines Street, Room 754, Tallahassee, FL 32399, (850)245-7952. For a draft copy of the rules go to <https://app1.fldoe.org/rules/default.aspx>
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-24.001	Name, Authority and Responsibilities

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update the existing rule relating to the Florida State Apprenticeship Council to reflect statutory changes, federal regulatory changes, and the needs of the apprenticeship community and labor market.

SUBJECT AREA TO BE ADDRESSED: Florida Apprenticeship Council.

RULEMAKING AUTHORITY: 446.032, 446.041(12) FS.

LAW IMPLEMENTED: 446.045 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: June 14, 2010, 9:00 a.m.; June 16, 2010, 9:00 a.m.; June 17, 2010, 9:00 a.m.

PLACES: June 14 – Department of Education, 325 West Gaines Street, Room 1707, Tallahassee, Florida 32399-0400
 June 16 – Mid Florida Tech Center, 2900 W. Oak Ridge Road, Building 1600, Room 228, Orlando, Florida 32809; and
 June 17 – Miami Lakes Educational Center, 5780 N. W. 158th St., Building F Auditorium, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Grisar, Senior Educational Program Director, Career and Adult Education, Department of Education, 325 West Gaines Street, Room 754, Tallahassee, FL 32399, (850)245-7952. For a draft copy of the rule go to <https://app1.fldoe.org/rules/default.aspx>
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.061	Rentals, Leases, and Licenses to Use Transient Accommodations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to include the provisions regarding timeshares provided in Chapter 2009-133, L.O.F. This law provides that timeshare exchanges and fees charged by a third party to facilitate a timeshare exchange are not subject to tax. The law also provides when fees charged to occupy and inspect a regulated short-term timeshare product are subject to tax. When in effect, this rule will provide for the taxability of the purchase of a timeshare interest, the rental of a timeshare accommodation, the occupancy or purchase of a regulated short-term product, and the fees charged by timeshare exchange programs.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the provisions for the taxability of the purchase of a timeshare interest, the rental of a timeshare accommodation, the occupancy or purchase of a regulated short-term product, or the fees charged by timeshare exchange programs.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

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

DATE AND TIME: June 24, 2010, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)922-4830. 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: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department’s Internet site at myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.0615 **RULE TITLE:** Hotel Rewards Points Program

PURPOSE AND EFFECT: Rule 12A-1.0615, F.A.C. (Hotel Reward Points Programs), is being created to provide guidelines regarding the application of Florida tax in situations involving hotel reward points programs within the transient rentals industry that reflect the findings of Report Number 2005-131, “Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Rewards Points Program,” issued by the Senate Committee on Government Efficiency Appropriations. This rule sets forth when transient lodging accommodations provided to reward points programs members will be subjected to Florida’s taxes on those accommodations. This rule also sets forth when transactions between the administrator of a hotel reward points program and the hotel participating in the program are subject to tax.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the application of state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, or municipal resort tax on transient accommodations provided to members of a hotel reward points program.

RULEMAKING AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

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

DATE AND TIME: June 24, 2010, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)922-4830. 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: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department’s Internet site at myflorida.com/dor/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.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
 19-8.029 Insurer Reporting Requirements
 19-8.030 Insurer Responsibilities
PURPOSE AND EFFECT: To implement the changes to Section 215.555, F.S., which were passed during the 2010 Legislative Session.
SUBJECT AREA TO BE ADDRESSED: The rules and certain incorporated forms are being amended to reflect the 2010 legislative changes.
RULEMAKING AUTHORITY: 215.555 FS.
LAW IMPLEMENTED: 215.555 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: Tracy Allen, Senior Attorney, Florida Hurricane Catastrophe Fund, P. O. Box 13300, Tallahassee, FL 32317, (850)413-1341, tracy.allen@sbafla.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0431 **RULE TITLE:** Application for a Limited Proceeding
PURPOSE AND EFFECT: To prescribe the filing requirements for a petition for limited proceeding for electric utilities. Undocketed
SUBJECT AREA TO BE ADDRESSED: The rule addresses the requirements for filing a petition for limited proceeding.
RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1), 366.076(2) FS.
LAW IMPLEMENTED: 366.05, 366.06, 366.076 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: June 23, 2010, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL
 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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216 or kcowdery@psc.state.fl.us. A copy of the staff workshop agenda and draft rule will be available on the Commission’s website at www.floridapsc.com after June 4, 2010

PUBLIC SERVICE COMMISSION

RULE NO.: 25-7.0391 **RULE TITLE:** Application for a Limited Proceeding
PURPOSE AND EFFECT: To prescribe the filing requirements for a petition for limited proceeding for gas utilities. Undocketed.
SUBJECT AREA TO BE ADDRESSED: The rule addresses the requirements for filing a petition for limited proceeding.
RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1), 366.076(2) FS.
LAW IMPLEMENTED: 366.05, 366.06, 366.076 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: June 23, 2010, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216 or kcowdery@psc.state.fl.us. A copy of the staff workshop agenda and draft rule will be available on the Commission’s website at www.floridapsc.com after June 4, 2010.

PUBLIC SERVICE COMMISSION

RULE NO.: 25-22.0406 **RULE TITLE:** Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies

PURPOSE AND EFFECT: To amend Rule 25-22.0406, F.A.C., to address notice and public information requirements for electric and gas utilities filing petitions for limited proceeding and to delete references to telephone companies. Undocketed.

SUBJECT AREA TO BE ADDRESSED: This rulemaking will address notice and public information requirements for electric and gas utility companies filing petitions for limited proceedings and for telephone companies filing requests for general rate increase.

RULEMAKING AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 120.569, 120.57 364.01(4), 364.035(1), 364.04(3), (4), 364.05(1), (2), 364.19, 366.03, 366.041(1), 366.05(1), 366.06(1) FS.

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

DATE AND TIME: June 23, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Kathryn G. W. Cowdery, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216 or kcowdery@psc.state.fl.us. A copy of the staff workshop agenda and draft rule will be available on the Commission's website at www.floridapsc.com after June 4, 2010.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.720
RULE TITLE: Sex Offender and Child Abuse Offender Visiting Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify sex offender and child abuse offender visitation restrictions.

SUBJECT AREA TO BE ADDRESSED: Inmate Visitation Privileges.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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:

33-601.720 Sex Offender and Child Abuse Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if ~~both paragraphs (a) and (b) below apply:~~

(a) ~~The~~ if the inmate has a current or prior conviction under Chapter 794, 800, 827, or 847, F.S., and:

- ~~1. Chapter 794, F.S. — sexual battery,~~
- ~~2. Chapter 800, F.S. — lewdness; indecent exposure,~~
- ~~3. Chapter 827, F.S. — abuse of children,~~
- ~~4. Chapter 847, F.S. — obscene literature; profanity, and~~

(b) ~~The conviction was for committing or attempting to commit aggravated child abuse or committing or attempting offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to~~ commit a sex act on, ~~or~~ in the presence of, or against a person fifteen years old or younger.

(c) No change.

(d) Current and prior convictions from other jurisdictions comparable to the offenses listed above, also serve as a basis for imposing visiting restrictions.

(e) No change.

(2) A warden is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in subsection ~~33-601.720(1); F.A.C.,~~ above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) through (4) No change.

(5) If visitation is recommended, the custodial parent or guardian of the child must complete and sign Form DC6-138, Consent for Visitation with Minor Child. Form DC6-138 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services,~~ 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 5-29-03.

(6) The warden is authorized to modify the visiting status if factors materially affecting the visiting privilege decision, such as a guilty finding for one of the disciplinary infractions listed in subsection (3) above, change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Rulemaking Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 5-29-03, 9-29-03, 4-17-05, 4-10-08, _____.

Editorial Note: Formerly 33-601.707, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.015
 RULE TITLE: Adult Cystic Fibrosis Waiver Services Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.015, F.A.C., is to incorporate by reference the Adult Cystic Fibrosis Waiver Services Procedure Codes and Fee Schedule, December 2009. The fee schedule for the Adult Cystic Fibrosis (ACF) waiver will be a new, stand-alone rule. The fee schedule establishes a list of procedures and associated fees for services to be delivered by qualified providers to ACF waiver participants.

SUBJECT AREA TO BE ADDRESSED: Adult Cystic Fibrosis Waiver Services Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 393.066, 409.902, 409.906, 409.908, 409.912, 409.913 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: Wednesday June 23, 2010, 2:30 p.m. – 3:30 p.m.

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

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: Arlene Walker at the Bureau of Medicaid Services, (850)412-4270. 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: Arlene Walker, Medicaid

Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4270, e-mail: arlene.walker@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.015 Adult Cystic Fibrosis Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all adult cystic fibrosis waiver services providers enrolled in the Medicaid program.

(2) All adult cystic fibrosis waiver services providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Adult Cystic Fibrosis Procedure Codes and Fee Schedule, December 2009, which is incorporated by reference. The fee schedule is available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the fee schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting option 7.

Rulemaking Authority 409.919 FS. Law Implemented 393.066, 409.902, 409.906, 409.908, 409.912, 409.913 FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NOS.:	RULE TITLES:
60Q-6.101	Scope
60Q-6.102	Definitions
60Q-6.103	Pleadings and Proposed Orders
60Q-6.104	Representation and Appearance of Counsel
60Q-6.105	Commencing a Case; Subsequent Petitions
60Q-6.106	Consolidation and Venue
60Q-6.107	Amendment and Dismissal of Petition for Benefits
60Q-6.108	Filing and Service
60Q-6.109	Computation of Time
60Q-6.110	Mediation, Generally
60Q-6.111	Authority and Duties of Mediator
60Q-6.112	Disqualification of Mediator
60Q-6.113	Pretrial Procedure
60Q-6.114	Discovery
60Q-6.115	Motion Practice
60Q-6.116	Prosecution of Claim and Petition for Benefits
60Q-6.117	Emergency Conferences
60Q-6.118	Expedited Hearings
60Q-6.119	Abbreviated Final Orders
60Q-6.120	Summary Final Order
60Q-6.121	Evidence

- 60Q-6.122 Motion for Re-hearing and Amending or Vacating Order
- 60Q-6.123 Settlements under Section 440.20(11), Florida Statutes
- 60Q-6.124 Payment of Attorney’s Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes
- 60Q-6.125 Sanctions
- 60Q-6.126 Disqualification or Recusal of Judges
- 60Q-6.127 Procedure for Relief from Appellate Filing Fee and Costs
- 60Q-6.128 Destruction of Obsolete Records

PURPOSE AND EFFECT: Procedural rules for adjudication of workers’ compensation claims were implemented on February 23, 2003, and amended in 2006, pursuant to the mandate in Section 440.45, Florida Statutes, that the Office of the Judges of Compensation Claims adopt procedural rules. Since Sections 440.015 and 440.44(2), Florida Statutes, require that the workers’ compensation system be efficient and self-executing and that the Division of Administrative Hearings assume an active and forceful role in achieving that goal, it is necessary to amend the existing rules to conform with subsequent statutory changes and to incorporate changes that will improve the adjudicatory process based upon experience in utilizing the existing rules.

SUBJECT AREA TO BE ADDRESSED: procedural rules applicable to workers’ compensation adjudications before the judges of compensation claims.

RULEMAKING AUTHORITY: 61.14(8)(a), 440.25(4)(g), 440.29(3), 440.44(7), 440.45(1), (4) FS.

LAW IMPLEMENTED: Chapter 440, 61.14(8)(a), 440.015, 440.192, 440.20, 440.25, 440.29(3), 440.33, 440.34, 440.44, 440.45(1), (4) FS.

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

DATE AND TIME: June 15, 2010, 2:00 p.m. – 4:00 p.m.

PLACES: (bridged by video teleconferencing): 401 N. W. 2nd Avenue, Suite N-918, Miami, Florida; 1809 Art Museum Drive, Suite 200, Jacksonville, Florida; 501 1st Avenue, North, Suite 300, St. Petersburg, Florida; and; The DeSoto Building, 2nd Floor Conference Room, 1230 Apalachee Parkway, 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: Linda M. Rigot, Administrative Law Judge, (850)488-9675. 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: Linda M. Rigot, Administrative Law Judge, (850)488-9675
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-36.001	Definitions
61-36.002	Notification to Applicants; Deficiency; Approval
61-36.003	Department Closure or Termination of Deficient Applications
61-36.004	Department Approval of Applications Meeting statutory and Rule Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish department processes for approval of applications meeting statutory and rule requirements, and termination of deficient applications when two years have elapsed from the last notice of deficiency.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is the process by which the department approves applications meeting statutory and rule requirements, and terminates deficient applications when two years have elapsed from the last notice of deficiency.

RULEMAKING AUTHORITY: 455.203(5), (6), 455.2035 FS.

LAW IMPLEMENTED: 455.203(1), 455.203(10)(a), (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: Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-7776

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-1.009	Definitions

PURPOSE AND EFFECT: The purpose of this rule development is to discuss possible rule language changes at the workshop.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603 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 5 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.002 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this rule is to incorporate penalties for late reporting of criminal convictions.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 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: Robyn

Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-343.010	Policy and Purpose
62-343.020	General Provisions
62-343.030	Transferability of Definitions
62-343.040	Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters
62-343.050	Permits Required
62-343.060	Conceptual Approval Permits
62-343.070	Procedures to Obtain a Permit
62-343.075	Additional Requirements and Procedures for Concurrent Review of Related Applications
62-343.080	Applications Processed by District and Division Offices of the Department
62-343.090	Processing of Notices and Applications
62-343.091	Documents Incorporated by Reference
62-343.095	Operation, Maintenance, and Inspections
62-343.100	Modification of Permits
62-343.110	Duration of Permits
62-343.120	Permit Extensions
62-343.130	Transfer of Ownership or Permit
62-343.140	Suspension and Revocation
62-343.381	General and Special Limiting Conditions
62-343.900	Environmental Resource Permit Forms

PURPOSE AND EFFECT: The Department proposes to amend Chapter 62-343, F.A.C., to: (1) amend the Environmental Resource Permit (ERP) Joint Application form and adopt a separate new form for requesting verification of an exemption to resolve conflicts when an applicant proposes work that may be exempt from permitting in the same application for activities that require a permit; (2) update procedures related to submitting and reviewing applications; (3) standardize procedures related to operation and

maintenance, including new and amended forms; (4) adopt a new section on general and specific limiting conditions to update and standardize such conditions for statewide applicability within the Department’s ERP program and to reduce the number of water management district rules adopted by the Department related to these conditions; (5) correct outdated language that identifies which offices of the Department are responsible for reviewing and taking action on various types of ERP activities; (6) amend provisions related to modifications and transfers of permits; and (7) make technical corrections.

SUBJECT AREA TO BE ADDRESSED: (1) Adopt several new forms and update existing forms; (2) amend procedures to reflect use of the new and revised forms; (3) update procedures related to the offices of the Department that are responsible for processing ERP applications; (4) adopt a new section on operation, maintenance, and inspection; (5) adopt a new section on general and special limiting conditions; (6) amend procedures on modification and transfers of permits; and (7) make minor technical corrections.

RULEMAKING AUTHORITY: 120.53, 120.54(5)(a), 373.026, 373.043, 373.118, 373.413, 373.414, 373.4145, 373.416, 373.418, 373.421, 373.427, 380.06(9)(b), 403.0877, 403.805(1) FS.

LAW IMPLEMENTED: 120.60, 120.54(5)(a), 373.026, 373.043, 373.109, 373.117, 373.118, 373.406(5), 373.409, 373.4142, 373.413, 373.414, 373.4141, 373.4145, 373.416, 373.418, 373.419, 373.421, 373.422, 373.423, 373.426, 373.427, 373.428, 380.06(9)(b), 403.0877, 403.9328 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: Alice Heathcock, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources – MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8483, or e-mail: Alice.Heathcock@dep.state.fl.us. Future 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/wetlands/erp/rules/rulestat.htm>. (OGC No. 08-1613)

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.009
RULE TITLE: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure

PURPOSE AND EFFECT: The Board is revising the font of the disclaimer for advertising free or discounted services.

SUBJECT AREA TO BE ADDRESSED: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

RULEMAKING AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) 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: Sharon Guilford, Acting Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., no less than Times New Roman 6 in at least Times New Roman 14 point font size or Courier New 12 point font size.

Rulemaking Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, 11-5-07, 4-21-10,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.007
RULE TITLE: Optometry Faculty Certificate

PURPOSE AND EFFECT: The Board proposes the rule amendment to update and incorporate by reference the application form.

SUBJECT AREA TO BE ADDRESSED: Incorporate an updated licensure form.

RULEMAKING AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.0057 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: Sharon Guilford, Acting Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.007 Optometry Faculty Certificate.

To obtain a optometric faculty certificate pursuant to Section 463.007, F.S., the applicant must submit an Initial Optometry Faculty Certificate Application, form number DH-MQA 1134,(5/10 ~~8/08~~) incorporated herein by reference and the fees set forth in Rule 64B13-6.001, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry>.

Rulemaking Authority 463.005 FS. Law Implemented 463.0057 FS. History--New 4-2-09, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Foster Care
65C-31.004	Road to Independence Scholarship
65C-31.005	Transitional Support Services for Young Adults Formerly in Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

PURPOSE AND EFFECT: The Department is revising rules relating to Independent Living Services to young adults formerly in foster care. Pending HB 5305 becoming law, revisions will also include rules that govern the payments and conditions related to payments for services to youth or young adults provided under this section.

SUBJECT AREA TO BE ADDRESSED: Services to young adults formerly in foster care.

RULEMAKING AUTHORITY: S39.5075(8), 409.1451(10) FS.

LAW IMPLEMENTED: 39.5075, 409.1451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Workshop 1: Tuesday, June 15, 2010, 1:00 p.m. – 5:00 p.m.

Workshop 2: Wednesday, June 16, 2010, 9:00 a.m. – 1:00 p.m.

PLACES: Workshop 1: 313 N. State Road 7, Plantation, Florida 33317

Workshop 2: 400 W. Robinson Street, South Tower, First Floor, Rooms A, B, and C, Orlando, Florida 32801

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: Julie Mayo, Office of Family Safety, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)922-0375, or julie_mayo@dcf.state.fl.us. 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: Julie Mayo, Office of Family Safety, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)922-0375, or julie_mayo@dcf.state.fl.us

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans

67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2011 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

DATE AND TIME: June 17, 2010, 2:30 p.m.

PLACE: Hotel Duval, 415 North Monroe Street, Tallahassee, FL 32301, (850)224-6133. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

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: Blake Carson-Poston at (850)488-4197. 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). 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: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by

Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2009 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: June 17, 2010, 2:30 p.m.

PLACE: Hotel Duval, 415 North Monroe Street, Tallahassee, FL 32301, (850)224-6133. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

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: Blake Carson-Poston at (850)488-4197. 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: Kevin Tatreau, Director of Multifamily Development Programs

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 State Fire Marshal

RULE NO.: 69A-51.060 **RULE TITLE:** Requirements for New Installations

PURPOSE AND EFFECT: To remedy a potential conflict within the rule and the referenced adopted boiler code by removing language related to the pressure gage dial range referencing the maximum allowable working pressure, and to harmonize language between the rule and adopted boiler code by changing the term “Steam gauge” to “Pressure gage” within the rule.

SUBJECT AREA TO BE ADDRESSED: Installation of Pressure Gages on Power Boilers.

RULEMAKING AUTHORITY: 554.103 FS.
LAW IMPLEMENTED: 554.103, 554.104, 554.105, 554.106, 554.107 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: Thursday, June 17, 2010, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium, 325 John Knox Road, 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: Mike Burns, Boiler Chief, (850)413-3614, Mike.Burns@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: AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE, and on the Department’s website at <http://www.myfloridacfo.com/SFM/sfmnotice.htm>

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005 **RULE TITLE:** Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: Increases the amount of firefighter line of duty death benefits in accordance with the March 2010 Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Firefighter line of duty death benefits.

RULEMAKING AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 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, June 15, 2010, 9:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Office Building, 325 John Knox Road, 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: Lesley Mendelson, (850)413-3604. 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: Lesley Mendelson, (850)413-3604. A copy is posted on the Division's website at <http://www.fldfs.com/SFM/>

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 Worker's Compensation

RULE NO.: RULE TITLE:
69L-3.025 Forms

PURPOSE AND EFFECT: Section 440.185(4), F.S., authorizes the Department to approve informational brochures that carriers are required to mail to injured employees and employers. The brochures are required to set forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. Section 440.185(4), F.S., requires the carrier to mail the Department approved informational brochure to the injured employee within three (3) days after being informed by the employer or employee of an injury. Carriers are also required to annually mail the Department approved informational brochures to employers. The proposed amendment will adopt the updated English and Spanish versions of the workers' compensation informational brochures that carriers are required to mail to employers and injured employees.

SUBJECT AREA TO BE ADDRESSED: Workers' compensation informational brochures for employers and injured employees.

RULEMAKING AUTHORITY: 440.15, 440.185, 440.20, 440.591 FS.

LAW IMPLEMENTED: 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (10), 440.20(2), (3), 440.345, 440.35, 440.51(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: June 15, 2010, 1:00 p.m.
PLACE: Room 230, 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: Pam Macon at (850)413-1708 or Pamela.Macon@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: Pam Macon, Chief, Bureau of Employee Assistance, Division of Workers' Compensation, 2012 Capital Circle S. E., Tallahassee, Florida 32399, (850)413-1708. The text of the proposed rule and the informational brochures will be available on the Division's website: <http://www.myfloridacfo.com/WC/notices/html>.

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: RULE TITLE:
69W-1000.001 Disciplinary Guidelines

PURPOSE AND EFFECT: Section 517.1611(1), F.S., requires the Financial Services Commission to adopt disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against individuals and firms that are subject to regulation under Chapter 517, F.S., the Florida Securities and Investor Protection Act. The proposed rule implements this statutory requirement. It is noted that a Notice of Development of Rulemaking for this proposed rule was published in the December 24, 2009, edition of the Florida Administrative Weekly. Based on comments received by the Office, changes were made to the proposed rule, which are reflected in this notice.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.1611(1) FS.

LAW IMPLEMENTED: 517.1611(1) 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: Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., are hereby adopted. The disciplinary guidelines are contained in "Office of Financial Regulation, Division of Securities, Disciplinary Guidelines for Dealers, Investment Advisers and Associated Persons" (May 2010), which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flofr.com/Securities/index.htm>. In the application of these disciplinary guidelines, the Office intends that disciplinary action serve a remedial rather than a punitive purpose. The intent of the guidelines is to protect the public interest by discouraging future misconduct by a respondent, deter others from engaging in similar misconduct and improve business practices. Every case is unique; therefore, sanctions should be tailored to fit the facts of each particular case by increasing or decreasing the level of the sanction as provided in subsection (5) of this rule. The Office's intent is that sanctions should always be more severe for recidivists. However, some respondents may commit acts so egregious that sanctions outside the guidelines are warranted. The Office's policy is to treat all respondents with equal consideration and courtesy irrespective of representation or lack thereof.

(2) Each violation of any provision of Chapter 517, F.S., or the rules adopted under the rulemaking authority of Chapter 517, F.S., constitutes a ground for disciplinary action by the Office. The level of sanction imposed for each violation of a ground for disciplinary action is reflected in the disciplinary guidelines. In determining an appropriate sanction for each violation of a ground for disciplinary action, the Office shall consider the circumstances set forth in subsection (5).

(3) In accordance with the disciplinary guidelines contained in this rule:

(a) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances; and

(b) The Office has determined that repeated disciplinary action for violations of the same or similar ground for disciplinary action should be punished more severely than a first disciplinary action for violation of a ground for disciplinary action. In most instances of repeated violations of a ground for disciplinary action, the disciplinary guidelines allow for increasingly severe sanctions.

(4) The list of grounds for disciplinary action is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Chapter 517, F.S.

(5) In accordance with Sections 517.1611(1)(a) and (b), F.S., the Office will consider the following mitigating and aggravating circumstances in determining the appropriate level of sanction within the range of sanctions prescribed in this rule for each violation of a ground for disciplinary action:

(a) The individual's or firm's disciplinary history;

(b) Whether the individual or firm self-reported the conduct to regulatory authorities prior to examination or discovery by regulatory authorities;

(c) Whether the firm implemented corrective measures, prior to examination or discovery by regulatory authorities, to revise procedures to avoid recurrence of misconduct;

(d) Whether the individual or firm, prior to the entry of a Final Order, voluntarily made restitution or otherwise remedied the misconduct;

(e) Whether, at the time of the violation, the firm had controls and procedures that were implemented and reasonably designed to prevent or detect such a violation;

(f) Whether, at the time of the violation, the firm developed and implemented adequate training and educational initiatives;

(g) Whether the individual or firm demonstrated reasonable reliance on competent legal advice;

(h) Whether the individual or firm engaged in numerous acts to facilitate the violation or whether multiple clients were impacted by the acts or both;

(i) Whether the individual or firm engaged in the misconduct over an extended period of time;

(j) Whether the individual or firm attempted to conceal his or her misconduct or to lull into inactivity, mislead, deceive or intimidate a customer, regulatory authorities or, in the case of an individual respondent, the firm with which he or she is or was associated;

(k) With respect to other parties, including the investing public, the firm with which an individual respondent is associated or other market participants:

1. Whether the individual's or firm's misconduct resulted directly or indirectly in injury to such other parties, and

2. The nature and extent of the injury;

(l) Whether the individual or firm provided substantial assistance to the Office in its examination or investigation of the underlying misconduct, or whether the respondent attempted to impede or delay Office's examination or investigation, to conceal or withhold information from the Office, or to provide incomplete, inaccurate or misleading testimony or documentary information to the Office;

(m) Whether the individual's or firm's misconduct was the result of an intentional act, recklessness or negligence;

(n) Whether the firm with which an individual is or was associated disciplined the individual for the misconduct at issue prior to discovery by regulatory authorities and the extent of the discipline imposed by the firm;

(o) Whether the individual or firm engaged in the misconduct at issue, notwithstanding prior direct notice from the Office, another regulatory authority or the firm’s staff, that the conduct may or will violate the provisions of Chapter 517, F.S.;

(p) Whether the individual or firm can demonstrate that the misconduct at issue was not reflective of their historical compliance record;

(q) Whether the individual’s or firm’s misconduct resulted in actual or potential financial or other gain or the value of such gain.

(r) The number, size and character of the transactions at issue;

(s) The age, financial status, and level of investment sophistication of the investor;

(t) Whether the violation is attributable to a principal, manager, supervisor or person exercising a similar function;

(u) The financial resources of the firm, nature of the firm’s business, the number of individuals registered with the firm, the level of trading activity of the firm, other entities the firm controls, is controlled by, or is under common control with;

(v) Whether the violation of the ground for disciplinary action is the result of an individual acting alone or the result of two or more persons acting in furtherance of an agreement, scheme or plan; and

(w) Other relevant, case-specific circumstances.

(6)(a) The fines imposed for violation of a ground for disciplinary action are up to \$2,000 for a level “A” fine, \$2,001 to \$5,000 for a level “B” fine, \$5,001 to \$7,500 for a level “C” fine and \$7,501 to \$10,000 for a level “D” fine. The mitigating and aggravating circumstances provided in subsection (5) may be applied to the fines imposed for violation of a ground for disciplinary action resulting in a range of fines of up to \$2,000 for a level “A” fine, \$2,001 to \$5,000 for a level “B” fine, \$5,001 to \$7,500 for a level “C” fine and \$7,501 to \$10,000 for a level “D” fine.

(b) A Notice of Noncompliance shall be a statement issued by the Office as described in Section 120.695, F.S. For the purpose of this rule, a Notice of Noncompliance is not considered an occurrence of a violation.

(c) A previous “occurrence” is the same or similar misconduct which was the subject of a Final Order entered by the Office prior to the acts or omissions which are the subject of the current action by the Office.

(7) The ranges for suspensions imposed by this rule are up to 5 days for an “A” level suspension; 6 to 30 days for a “B” level suspension; and, over 30 days for a “C” level suspension. A business day is defined as a day the major stock exchanges are open. Suspensions of 30 or fewer days are measured in business days while a suspension of 31 or more days is measured in calendar days. The mitigating and agravating circumstances provided in subsection (5) may be applied to the suspensions imposed for violation of a ground for disciplinary

action resulting in a range of suspension of up to 5 days for an “A” level suspension; 6 to 30 days for a “B” level suspension; and over 30 days for a “C” level suspension.

(8) In addition to the provisions of this rule, the Office may, when appropriate, seek civil remedies including the entry of an injunction, the appointment of a receiver by a court of competent jurisdiction, or any other remedy authorized by law.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.1611(1) FS. History–New _____.

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-13.004	Delegation of Authority to Determine Settlements or Compromises

PURPOSE AND EFFECT: Section 213.21(2), F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into agreements with a taxpayer to settle or compromise the taxpayer’s liability for any tax, interest, or penalty assessed. The purpose of the proposed amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises), is to update the rule to reflect the positions within the Department authorized to settle or compromise a taxpayer’s assessment.

SUMMARY: The proposed amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises): (1) update the positions authorized by the Executive Director of the Department to settle or compromise a taxpayer’s assessment to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the rule by providing these delegations of authority in a chart, for ease of reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower-cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.05, 213.21 FS.

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

DATE AND TIME: June 24, 2010, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida