

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.012
 RULE TITLE: Reports and Inspection Fee Payment, Inspection Fees, Reporting, Continuous Bond, Certificate of Deposit Requirement

PURPOSE AND EFFECT: The proposed rule will provide a reference for the Application to Report Tonnage and to Pay Inspection Fee for Fertilizer and Other Materials (DACS-13241 Rev. 07/11) form, not previously referenced in rule language.

SUBJECT AREA TO BE ADDRESSED: Reference required form not currently in rule language.

RULEMAKING AUTHORITY: 576.181 FS.

LAW IMPLEMENTED: 576.041 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: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)617-7850

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03022
 RULE TITLE: Exceptional Student Education Eligibility for Students with Dual-Sensory Impairments

PURPOSE AND EFFECT: The purpose of the rule development is to ensure consistency with federal requirements, State Board of Education rules and current practice in the field.

SUBJECT AREA TO BE ADDRESSED: State requirements for programs for students with disabilities who are identified as dual-sensory impaired. Definitions, procedures for referral, procedures for student evaluation, criteria for eligibility, and re-evaluation will all be addressed.

RULEMAKING AUTHORITY: 1003.01, 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1003.01, 1003.57, 1003.571 FS.

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

DATE AND TIME: March 15, 2012, 10:00 a.m.

PLACE: Via conference call: 1(866)372-5781, Conference ID# 34593309; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee, Florida at the time provided.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Cathy Bishop, Interim Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, Florida 32399. Written comments will be accepted through February 28, 2012.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-6.03022 follows. See Florida Administrative Code for current text).

6A-6.03022 Exceptional Student Education Eligibility for Students with Dual-Sensory Impairments Special Programs for Students who are Dual-Sensory Impaired.

(1) Definitions.

(a) Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or an etiology or diagnosed medical condition that indicates a potential dual-sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

(b) Functional blindness is defined to mean that the physical structures of the eye may be functioning, but the student does not attend to, examine, or utilize visual information. This may include cortical visual impairment.

(c) Functional hearing loss is defined to mean that parts of the auditory system may be functioning but the student does not attend to, respond, localize, or utilize auditory information. This may include cortical hearing impairment or auditory neuropathy/dyssynchrony.

(2) General education interventions and activities. Prior to referral for evaluation the requirements in subsection 6A-6.0331(1), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation procedures for determining eligibility shall include all of the following:

(a) If available, a medical report from a licensed physician describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual-sensory loss;

(b) A medical eye examination by a licensed ophthalmologist or optometrist describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;

(c) An audiological evaluation; and

(d) A comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include: functional hearing assessment, an assessment of social development, evaluation of receptive and expressive communication by a speech and language pathologist; functional vision evaluation; learning media assessment; and, if appropriate, orientation and mobility assessment.

(4) Criteria for eligibility. A student with a dual-sensory impairment is eligible for exceptional student education if either of the following criteria are met:

(a) In the circumstance when the student has a diagnosed medical condition with potential for dual-sensory loss:

1. A medical report from a licensed physician confirming the existence of such an etiology or diagnosis, its prognosis, and the potential for dual-sensory loss; and

2. The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C.;

(b) Vision and Hearing Impairment

1. The student meets criteria listed in Rule 6A-6.0314(4), F.A.C., or has functional blindness; and

2. The student meets criteria listed in Rule 6A-6.0313(4), F.A.C., or has functional hearing loss; and

3. The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(5) Reevaluation shall occur at least every three (3) years and shall include at a minimum a comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include: functional hearing assessment, an assessment of social development, evaluation of receptive and expressive communication by a speech and language pathologist; functional vision evaluation; learning media assessment; and, if appropriate, orientation and mobility assessment.

Rulemaking Authority 1003.01, 1003.57, 1003.571 FS. Law Implemented 1003.01, 1003.57, 1003.571 FS. History—New 7-2-79, Formerly 6A-6.3022, Amended 10-3-91, 12-15-09, _____.

DEPARTMENT OF CITRUS

RULE NO.: 20-13.0011
 RULE TITLE: Oranges: 2004-2005 Anhydrous Acid Maturity Standards

PURPOSE AND EFFECT: Amendment adjusting the percentage of Anhydrous Citric Acid requirement for oranges from .40 to .36 through the citrus season, ending July 31, 2012.

SUBJECT AREA TO BE ADDRESSED: adjusting anhydrous citric acid requirements for the 2011-12 citrus season.

RULEMAKING AUTHORITY: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 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 Wiggins, (863)537-3956, awiggins@citrus.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.226
 RULE TITLE: Youthful Offender Program Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to define “successful completion” of the youthful offender program for the purpose of a Departmental recommendation for sentence modification, to set forth the process by which a modification is recommended, and to generally clarify the youthful offender program protocol.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program.

RULEMAKING AUTHORITY: 944.09, 958.04, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.04, 958.11, 958.12 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.226 Youthful Offender Program Participation.

(1) Each youthful offender institution shall provide a programmatically diversified extended day of 16 hours of required inmate participation six days a week, contingent upon available resources.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the Office of Institutions.

(3) Definitions Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) Bureau of Classification Management – the bureau in the central office responsible for the overall classification system in the department, including reception, facility, work, program, and custody assignments, disciplinary processes, population management, maintaining active and inactive inmate records, overseeing and auditing all the processes involved with sentencing documents received from the courts, and controlling inmates' prison commitment as well as the coordination of release processes. After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. Disciplinary record;
2. Gain time earned, forfeited or withheld and reasons for the action taken;
3. Academic and vocational accomplishments;
4. Work assignments which would assist the youthful offender in obtaining future employment;
5. Counseling programs;
6. Substance abuse programs;
7. Other programs and objectives specifically recommended for the youthful offender; and
8. Release placement plan prepared by probation and parole office staff which will include proposed residence, employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment;
9. Nature of offense and length of sentence.

(b) Extended Day Program – a 16-hour per day, multi-phase program at designated youthful offender institutions designed to reduce inmate idleness and improve a youthful offender's chance of successful re-entry into the community. The evaluation of the youthful offender's eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and, once approved, signed by the ICT and a representative of the SCO.

(c) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office. Prior to making a recommendation for sentence modification, the inmate's classification officer shall send a Victim Input Statement, Form DC1-701B, to the victim(s) or the victims' family for comments regarding the release of the inmate. Form DC1-701B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(d) Review Board – the team consisting of extended day program staff, to include at least one officer of the rank of sergeant or above and a staff member directly involved in the training and instruction of youthful offenders, responsible for determining advancement through the phases of extended day program. Once the inmate has been approved by the ICT and the SCO for a recommendation for sentence modification, a request for initiation of a Youthful Offender's Release Placement Plan, Form DC6-121, shall be made to the community corrections office in the county where the inmate plans to reside. The community corrections office in the county where the inmate plans to reside shall complete the placement release plan and return it to the requesting institution. Form DC6-121 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(e) State Classification Office (SCO) – the office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying institutional classification team recommendations. The sentence modification package shall include at a minimum the following:

1. The completed release placement plan that has been verified by community corrections field staff;
2. The completed victim input statement forms;
3. A progress report with justification for sentence modification;
4. An order of modification of sentence placing defendant on probation prepared by the classification officer for the judge's signature;
5. A completed Defendant's Waiver of Rights to Modify Sentence and Place Defendant on Probation, Form DC3-235. Form DC3-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator;

Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

~~(f) The completed sentence modification package shall be forwarded to the Bureau of Classification and Central Records for review by the central office screening committee.~~

~~(g) The central office screening committee shall review the sentence modification request for completeness and shall make a written recommendation to the Deputy Director of the Office of Institutions (classification) to approve or disapprove the request.~~

~~1. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a written request to the sentencing judge to consider modifying the inmate's sentence.~~

~~2. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.~~

~~(h) One or more of the following will render the inmate ineligible for consideration of a sentence modification to the court:~~

~~1. Conviction for murder, attempted murder, or an offense resulting in a death;~~

~~2. Conviction for sexual battery pursuant to Section 794.011, F.S.;~~

~~3. Conviction for kidnapping pursuant to Section 787.01, F.S.;~~

~~4. Conviction for carjacking pursuant to Section 812.133, F.S.;~~

~~5. Conviction for domestic violence pursuant to Section 741.28, F.S.;~~

~~6. Conviction for home invasion robbery pursuant to Section 812.135, F.S.;~~

~~7. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or~~

~~8. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.~~

~~(i) If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.~~

~~(j) If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.~~

(4) Extended Day Program Phases. Extended day program phases are consecutive. An inmate must participate in Phase I before advancement to Phase II and Phase II before advancement to Phase III.

(a) Phase I shall consist of a two-week orientation period, including a broad, extensive training program including physical fitness, work assignments, regimented application of discipline, and personal development programs. To advance to Phase II, the inmate must pass an evaluation on orientation materials.

(b) Phase II shall consist of continued demonstration of skills learned in Phase I, adherence to the structure of the extended day program, and positive consistency and participation in vocational, academic, and betterment programs.

(c) Phase III shall consist of:

1. Continued demonstration of capability in the areas of personal responsibility, discipline, job assignments, and academic and vocational programs, as well as all other areas of daily living and activities;

3. Maintenance of high proficiency in achievements;

4. Providing assistance to staff with designated activities; and

5. Evaluation by the review board and ICT in all areas on a continual basis to ensure that the inmate should remain in Phase III.

(d) Remedial Phase. The remedial phase is designed for inmates who pose disciplinary and management problems or have basic needs for additional behavior modification measures based on poor institutional adjustment or behavior. The remedial phase shall consist of a period of behavior modification emphasizing compliance with rules, proper institutional adjustment, and appropriate social behavior.

(5) Advancement to Phase III.

(a) A Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The form became effective on July 30, 2008.

(b) If approved by the ICT for advancement, the inmate shall be eligible for recommendation for modification of sentence pursuant to subsection (6) of this rule. No inmate has a right to recommendation for modification of sentence. Institutional classification staff are authorized to notify the Bureau of Classification Management or designee of an inmate who meets the criteria for recommendation for modification of sentence.

(6) Recommendations for Modification of Sentence.

(a) The following will result in an evaluation by the Bureau of Classification Management or designee of the inmate's eligibility for recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S.:

1. Successful participation in all phases of the youthful offender extended day program, to include participation in Phase III of the extended day program for a minimum of 180 consecutive days; and

2. Reclassification to minimum or community custody.

(b) Successful participation in the extended day program is defined as:

1. Satisfactory gain time ratings in Phase III for a minimum of 180 days;

2. Participation in recommended programs;

3. No disciplinary reports for the previous four months; and

4. No more than four corrective consultations for the previous four months.

(c) Evaluation of the inmate's eligibility will include, but will not be limited to:

1. Review of circumstances of offense;

2. Institutional adjustment; and

3. Achievements.

(d) One or more of the following will render the inmate ineligible for recommendation of a sentence modification to the court:

1. Conviction for murder, attempted murder, or an offense resulting in a death;

2. Conviction for sexual battery pursuant to Section 794.011, F.S.;

3. Conviction for kidnapping pursuant to Section 787.01, F.S.;

4. Conviction for domestic violence pursuant to Section 741.28, F.S.;

5. Sentenced as a habitual offender pursuant to Section 775.084, F.S.;

6. Currently serving the minimum mandatory portion of a sentence; or

7. The inmate has previously been granted modification of sentence under the provisions of this rule.

(7) Extended Day Program Assessment. Each inmate shall be required to participate in Phase III in a satisfactory manner for a minimum of 180 consecutive days in order to be considered for recommendation to the court for modification of sentence.

(a) The review board shall continually assess the inmate's participation in the program and recommend status assignments. Should an inmate fail to successfully perform as set forth in subparagraphs (6)(b)2. through 4. of this rule at any

time during Phase III, days served successfully will not be counted toward the minimum 180 day successful participation requirement.

(b) Inmates who have successfully participated for the required time period shall remain subject to the rules of the department and the extended day program. Failure to adhere to the administrative rules of the department shall be grounds for removal from consideration for recommendation for modification of sentence, withdrawal of the department's request to the court for modification of the inmate's sentence, or a request by the department to rescind modification of sentence. Form DC6-194, Order Rescinding Order Modifying Sentence, will be completed by the Bureau of Classification Management or designee and provided to the court with the request to rescind modification of sentence. Form DC6-194 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(8) Removal from Consideration for Recommendation.

(a) An inmate shall be removed from the program when such removal is in the best interest of the inmate or the security of the institution and in accordance with Section 958.11, F.S. However, if the inmate has completed the minimum requirements prior to removal, and such removal is not due to the inmate's receipt of a disciplinary report or corrective consultation, the inmate shall still be considered for recommendation for modification of sentence.

(b) An inmate shall be removed from consideration for recommendation for modification of sentence for behavioral, performance, or disciplinary reasons.

(9) Sentence Modification Process.

(a) Inmates who have satisfactorily participated in the extended day program and who meet the eligibility criteria in subsection (6) of this rule will be recommended for sentence modification.

(b) If determined eligible, institutional classification staff shall forward a completed Form DC6-195, Defendant's Waiver of Rights in Modification of Sentence, to the Bureau of Classification Management or designee. The waiver shall be forwarded no earlier than five days prior to the expected completion of the 180-day requirement. Form DC6-195 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(c) The Bureau of Classification Management or designee shall approve the ICT's recommendation, disapprove the recommendation, or refer the matter back to the ICT for additional information within 5 working days from receipt of the ICT's recommendation.

(d) If approved by the Bureau of Classification Management or designee, a cover letter reporting that the inmate is participating satisfactorily in the program will be sent to the community corrections intake office within the circuit of the sentencing court by the Bureau of Classification Management or designee within 5 working days from approval of the ICT's recommendation.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(f) The community corrections intake office shall ensure that Form DC6-193 is received from the sentencing court and shall route the form to the appropriate staff in the Bureau of Classification Management.

(g) The appropriate staff in the Bureau of Classification Management or designee will be notified as to the receipt of Form DC6-193.

(h) Upon receipt of the court's written action, the appropriate staff in the Bureau of Classification Management shall make the necessary sentence structure adjustments and, if applicable, initiate release processes.

(i) If the sentence modification order is not received within 35 working days after the request is made, the Bureau of Classification Management or designee shall notify by email or by telephone the community corrections intake office that submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community corrections intake staff shall notify the Bureau of Classification Management or designee of the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC6-193, the staff member shall forward the form to the appropriate staff in the Bureau of Classification Management, and the processes enumerated in paragraphs (9)(g) through (9)(h) of this rule shall be followed.

(j) If the sentencing court disapproves the sentencing modification, the community corrections intake office shall notify the Bureau of Classification Management or designee. The Bureau of Classification Management or designee shall notify the ICT at the institution housing the inmate. The ICT shall notify the inmate of the court's denial.

(10) Nothing in this rule is intended to prohibit an inmate from petitioning the court if the inmate believes he or she has successfully participated in the program on the basis set forth in this rule or on the basis of other facts he or she believes are relevant.

Rulemaking Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.11, 958.12 FS. History--New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete lighters and post-type earrings from the authorized property list but allow female inmates already in possession of post type earrings to retain them until they are no longer serviceable.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.201 Inmate Property.
- (1) through (17) No change.

APPENDIX ONE
 PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified below as "exemptions," property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The "quantity" establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. All canteen items are subject to availability and may not be available for purchase. Items found in the possession of an inmate that are in excess of the established "quantity" shall

be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between department institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"
- Earrings, post type (female only)

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or canteen) Light blue or white – female only
			Light blue – male
7	each		Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (canteen or state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (female only) (canteen)
1	pair		Shower slides (canteen)
6	pair		Socks (state issue or canteen)
1	each		Supporter, athletic (male only) (canteen)
2	each		Sweatshirts (gray only) (canteen order)
4	each		Undershorts (male only) (state issue or canteen)
2	each		Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (canteen)
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	each		Canteen bag (canteen)
1	set		Checkers (light wood or plastic, standard checkers)

1	set	only) (canteen order) Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each	Coffee mug – plastic (canteen)
1	each	Comb-pocket type, no handles (non-metal) (state issue or canteen)
*		Correspondence – * limited by storage space limitations
1	pack	Cotton swabs (plastic or paper stems only) (canteen)
2	each	Crème rinse and conditioner (canteen)
1	each	Cup, drinking – plastic (canteen)
1	package	Dental floss, (floss loops only), unwaxed (canteen)
1	each	Denture adhesive (state issue or canteen)
1	each	Denture cup (canteen order)
2	each	Deodorant and antiperspirant (no aerosols) (canteen)
1	set	Domino (light wood or plastic, standard size) (canteen order)
1	Set	Earbuds (canteen)
1	pair	Earphone pads (replacement) (canteen order)
1	pair	Ear rings, post type (female only) (canteen order)
*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack	Emery board – cardboard (canteen)
25	each	Envelopes – legal (#10 size) (canteen)
5	each	Envelopes – oversized (10" x 13") (canteen)
*		Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*		File folders (*limited by storage space)
20		Greeting cards and accompanying envelopes
1	each	Hairbrush – nonmetal, handles for females only (canteen)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each	Hair net (female only) (canteen)
25	each	Hair rollers (female only) (canteen)
2	each	Handballs or racketballs (canteen)
1	each	Headphones for use with radio (canteen)
Maximum weekly dosage		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to storage space limitations
1	each	Insect repellent (canteen)
1	each	Jigsaw puzzle (canteen order)
1	Each	Keyboard (canteen)
1	each	Laundry bag (state issue or canteen)

1	each		Lighter, disposable (approved type) (canteen)
1	each		Lip balm (canteen)
1	each		Locks, combination (V68 series) (canteen)
1	each		Make-up bag, clear only (female only) (canteen)
1	each		Mirror – plastic, nonbreakable, 5" × 7" max. (canteen)
1	each		Moisturizer – no mineral oils, no vaseline (canteen)
1	each		Mouthwash (canteen)
1	each		MP3 Player (canteen)
1	Each		MP3 Player arm band holder (canteen)
1	each		Nail clippers, not to exceed 2 1/2" (canteen)
2	pack		Notebook paper (canteen)
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security Pens, no markers (canteen)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" × 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
1	each		Screen protector (canteen)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)

1	each		Toilet Paper (state issue or canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10, 10-26-11.

DEPARTMENT OF ELDER AFFAIRS

Background Screening

RULE NO.: 58-2.001 **RULE TITLE:** Background Screening

PURPOSE AND EFFECT: The Department proposes to adopt a rule establishing the criteria for compliance with a level 2 background screening for direct service providers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the criteria for complying with the level 2 background screening for individuals that meet the definition of a direct service provider in Section 430.0402, F.S.

RULEMAKING AUTHORITY: 430.08, 435.01(2) FS.

LAW IMPLEMENTED: 430.01, 430.02(1), 430.0402 FS.

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

DATE AND TIME: April 3, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Demetria Ross at rossd@elderaffairs.org or (850)414-2114. 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: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2113, Email address: rices@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58-2.001 Background Screening.

Unless the statutory exemption in Section 430.0402(2), F.S., applies, level 2 background screening must be conducted through the Department of Elder Affairs for persons meeting the definition of a direct service provider.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.01, 430.02(1), 430.0402 FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.007 **RULE TITLE:** Certificates of Competency and License Registrations, Initial, Renewal, General Liability Insurance Coverage

PURPOSE AND EFFECT: The purpose and effect of the rule development is to address comments submitted by the Office of Fiscal Accountability and Regulatory Reform.

SUBJECT AREA TO BE ADDRESSED: The rule development will address elevator personnel and elevator company registration requirements and the terms used to identify the registrations.

RULEMAKING AUTHORITY: 399.01, 399.10 FS.

LAW IMPLEMENTED: 399.001, 399.01(13), 399.01(14), 399.01(15), 399.01(17), 399.02, 399.049, 399.105 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Michelle.Comingore@dbpr.state.fl.us, Telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.007 Certificates of Competency and License Registrations, Initial, Renewal; General Liability Insurance Coverage.

~~(1)(a) Each initial certificate of competency and each initial registration for a certified elevator technician, certified elevator inspector, or elevator company license shall be valid for the remainder of the calendar year.~~

~~(b) Except as otherwise specified in this rule, renewal certificates of competency and annual licenses shall be valid January 1 through December 31.~~ All certificates and licenses, as specified in this section, expire on December 31 at 11:59 p.m. of each year unless renewed by the division.

~~(b)(e)~~ A renewal application for a certificate of competency, including fee payment, or an annual license registration postmarked on or after January 1 will be deemed delinquent. A certificate of competency or annual license registration resulting from a delinquent submission shall be valid from the date renewed or issued by the division through December 31 each year.

~~(c)(d)~~ Expired certificates and licenses are not valid and the certificate holder or licensee is not authorized to perform any work under an expired certificate or license until the division approves and completes a renewal.

(2) No change.

(3) Certified Elevator Technician. ~~Each natural person desiring to perform the duties of a certified elevator technician must annually register with and be licensed by the division before constructing, installing, maintaining, or repairing an elevator.~~

(a) through (b) No change.

~~(4) Certified Elevator Inspectors. Each person desiring to perform the duties of a certified elevator inspector must annually register with and be licensed by the division before constructing, installing, inspecting, maintaining, or repairing an elevator.~~

(a) through (d) No change.

~~(5) Registered Elevator Companies. Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must annually register with and be licensed by the division.~~

(a) through (c) No change.

(6) through (7) No change.

Rulemaking Authority 399.01, 399.02, 399.10, FS. Law Implemented 399.01(12), 399.01(13), 399.01(14), 399.01(16), 399.17 FS. History—New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94, 8-21-06, 1-3-12, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-621.500
 RULE TITLE: Permits

PURPOSE AND EFFECT: The Department is initiating rulemaking to revise subsection 62-621.500(1), F.A.C., the existing Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds, providing permit requirements that meet a level of protection commensurate with potential environmental impacts, based on long-term monitoring data from existing citrus packinghouse facilities under individual permits. The Department proposes to accomplish this by standardizing ground water monitoring, reducing the number of parameters and frequency of effluent and ground water sampling and development of standardized Best Management Practices (BMPs) that can be implemented at all facilities covered under the generic permit.

SUBJECT AREA TO BE ADDRESSED: Department is developing amendments to the Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds under Rule 62-621.500, F.A.C.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.088, 403.0885, 403.814 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.088, 403.0877, 403.814 FS.

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

DATE AND TIME: March 14, 2012, 1:30 p.m. – 3:00 p.m.

PLACE: DEP Tallahassee, Bob Martinez Center, 6th Floor, Room 609, 2600 Blair Stone Road, Tallahassee, Florida 32399 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: Shirley Shields, Department of Environmental Protection, MS 3545, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8589, shirley.shields@dep.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: Allen Hubbard, Department of Environmental Protection, MS 3545, 2600 Blair Stone Rd, Tallahassee, FL 32399-2400, (850)245-8589, allen.hubbard@dep.state.fl.us. Copies of the agenda and preliminary drafts will be available seven days before the workshop by contacting Allen Hubbard, or visiting http://www.dep.state.fl.us/water/rules_dr.htm

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-12.0155 RULE TITLE: Fee for Registered Chiropractic Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated version of the application form.

SUBJECT AREA TO BE ADDRESSED: Fee for Registered Chiropractic Assistants.

RULEMAKING AUTHORITY: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 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: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NOS.: 64B19-11.010, 64B19-11.011, 64B19-11.012 RULE TITLES: Limited Licensure, Provisional License; Supervision of Provisional Licensees, Application Forms

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate the revised licensure application, limited licensure application, and provisional licensure application in the respective rules.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the revised forms for application, limited licensure and provisional licensure into the Board's respective rules.

RULEMAKING AUTHORITY: 456.013, 456.015(1), (4), 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 456.015, 490.003(6), 490.004(4), 490.005, 490.0051, 490.006(1)(b), 490.007(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, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.010 RULE TITLE: General Regulations Relating to Licenses, Permits and Other Authorizations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to move the text of Rule 68A-5.004 to 68-1.010 F.A.C., in order to clarify that the subject matter addressed in the rule applies to Title 68, F.A.C. The text will be edited for clarity, but the purpose and effect of the rules are the same.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const., 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.408 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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-5.006 RULE TITLE: Designation of Free-Freshwater Fishing Weekend; License Requirements and Regulation Compliance

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to provide a greater opportunity for individuals and families to enjoy a free Saturday fishing, without the requirement of a license, in Florida's fresh waters. This also enables partners to put on outreach events that adults

can participate in without the need to purchase a license. The net effect that we hope to achieve is enhanced recruitment, retention and engagement of anglers that ultimately will lead to a greater commitment to conservation stewardship, more time spent fishing, and a positive local economic impact.

SUBJECT AREA TO BE ADDRESSED: Two day exemption from freshwater fishing license requirement.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const., 379.354(15) FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.354 (15) 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: Tom Champeau, Director-Division of Freshwater Fisheries Management, 620 S. Meridian Street, Tallahassee, Florida 32399

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.004 **RULE TITLE:** Appointment Renewal Procedure

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the existing rule to reflect certain provisions of the Florida Insurance Code that have been amended since the rule was last amended. The effect of the proposed rule amendment is to provide clear and concise information to appointing entities of the appointment renewal process and the fees for noncompliance with the law.

SUBJECT AREA TO BE ADDRESSED: The appointment renewal procedure.

RULEMAKING AUTHORITY: 624.308(1), 626.016, 626.381(9) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 624.501, 626.015, 626.112, 626.371, 626.381, 626.7492(3), (8), (9), 648.279, 648.31, 648.382, 648.383 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, March 8, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Matt Tamplin, (850)413-5460 or Matt.Tamplin@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: Matt Tamplin, Bureau Chief, Bureau of Licensing, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5460 or Matt.Tamplin@myfloridacfo.com

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 Consumer Services

RULE NO.: 69J-10.001 **RULE TITLE:** Governmental Efficiency Program

PURPOSE AND EFFECT: Chapter 2010-102, Laws of Florida, amended Section 17.325, F.S., to delete the requirement that the Chief Financial Officer (CFO) provide monthly reports to the appropriations committee of the House and Senate with the information or suggestions received through the Get Lean hotline or website.

SUBJECT AREA TO BE ADDRESSED: Deletion of the CFO’s monthly reports to the Legislature regarding the information or suggestions from the Get Lean hotline or website.

RULEMAKING AUTHORITY: 17.29, 17.325(5) FS.

LAW IMPLEMENTED: 17.001, 17.30, 17.325 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: March 7, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, 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 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-5800 or Tasha.Carter@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: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800. The text of the proposed rule is also available on the Department's website <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/>. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-40.177	Mortgage Brokerage and Lending Transaction Journal
69V-40.265	Mortgage Brokerage and Lending Transaction Journal

PURPOSE AND EFFECT: The proposed rule amendments streamline regulations pertaining to recordkeeping requirements for mortgage loan transactions. Rule 69V-40.177, F.A.C., requires mortgage brokers, and mortgage lenders acting as mortgage brokers, to maintain certain information about each mortgage loan transaction. Rule 69V-40.265, F.A.C., requires the same information for mortgage lenders. To streamline regulations, Rule 69V-40.177, F.A.C., is being repealed and Rule 69V-40.265, F.A.C., is being amended to include mortgage brokers. These rules were identified for amendment as the result of the comprehensive rule review that the Office of Financial Regulation undertook pursuant to Sections 120.74 and 120.745, F.S.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokerage and Lending Transaction Journal.

RULEMAKING AUTHORITY: 120.695, 494.0016(4) FS.

LAW IMPLEMENTED: 120.695, 494.0016, 494.00255 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, (850)410-9848, andy.grosmaire@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.177 Mortgage Brokerage and Lending Transaction Journal.

~~(1) Each mortgage brokerage business and lender acting in the capacity of a mortgage brokerage business shall maintain a journal of mortgage brokerage transactions, which shall include, at least, the following information:~~

- ~~(a) Name of applicant;~~
- ~~(b) Date applicant applied for the mortgage loan;~~
- ~~(c) Disposition of the mortgage loan application. The Mortgage Brokerage and Lending Transaction Journal shall indicate the result of the brokerage transaction. The disposition of the case shall be categorized as one of the following: loan funded, loan denied, application withdrawn, or other (with explanation);~~
- ~~(d) Name of lender, if applicable.~~

~~(2) The journal shall be maintained in a format which is substantially similar to Form OFR-494-10, Mortgage Brokerage and Lending Transaction Journal.~~

~~(3) The Mortgage Brokerage and Lending Transaction Journal shall be maintained in the principal office or in each branch office where mortgage brokerage transactions are originated. The Mortgage Brokerage and Lending Transaction Journal shall be kept current. The failure to initiate an entry to the Mortgage Brokerage and Lending Transaction Journal within seven (7) business days from the date the brokerage transaction is entered into, shall be deemed to be a failure to keep the Mortgage Brokerage and Lending Transaction Journal current.~~

~~(4) The penalty for failure to maintain the Mortgage Brokerage and Lending Transaction Journal or to keep the same current (incidental and isolated clerical errors or omissions shall not be considered a violation) shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. The penalty for any intentional violation of this rule shall be a fine of \$500 and suspension of the license.~~

~~(5) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Rulemaking Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0041 FS. History—New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.177, Amended 3-23-08, Repealed _____.

69V-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage broker and mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

- (a) Name of applicant;
- (b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.

(d) Name of lender, if applicable.

(2) The journal shall be maintained on Form OFR-494-10, Mortgage Brokerage and Lending Transaction Journal, or a form substantially similar.

(3) In lieu of maintaining Form OFR-494-10, ~~a each~~ mortgage lender or mortgage broker may maintain the Home Mortgage Disclosure Act loan/application register, Form FR HMDA-LAR, found at 12 C.F.R., part 203, Appendix A (2010) if all lending transactions are recorded on this form. The form is hereby incorporated by reference and may be accessed through the Government Printing Office website <http://www.gpoaccess.gov/cfr/>.

(4) The Mortgage Brokerage and Lending Transaction Journal shall be maintained in the principal office or in each branch office where ~~the mortgage lender~~ transactions are originated. The Mortgage Brokerage and Lending Journal shall be kept current. The failure to initiate an entry to the Mortgage Brokerage and Lending Transaction Journal within 7 business days from the date the transaction was entered into, shall be deemed to be a failure to keep the Mortgage Brokerage and Lending Transaction Journal current.

(5) through (6) No change.

Rulemaking Authority 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.00255 FS. History—New 1-10-93, Amended 7-25-96, 12-12-99, Formerly 3D-40.265, Amended 3-23-08, 10-1-10,_____.

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and; 2) based on past experiences with charter school rules and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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: 1002.33(27) FS.

LAW IMPLEMENTED: 1002.33(6) FS.

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

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: Terra Environmental Research Institute, 11005 S.W. 84 Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, (850)245-0878, mike.kooi@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Section 1002.33(6), Florida Statutes, Chapter 96-186, Laws of Florida, shall be as follows:

(1) Appealing a Charter School Application Denial. The district school board letter of denial required by Section 1002.33(6)(b)3.a., Florida Statutes, shall be provided to the charter applicant by the district school board via certified mail. Within thirty (30) days after receipt by certified mail the date of a decision of a district school board denying which denies an application for a Charter School, the charter applicant may file a written notice of appeal the decision by submitting ten (10) hard copies of the appeal to with the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, in Room 1702, The Capitol, Tallahassee, Florida 32399-0400. A copy Copy of the notice of appeal shall be sent via regular mail or hand delivery to the district school board, via the

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0781	Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School

PURPOSE AND EFFECT: The purpose of this amendment is to revise the current rule to reflect changes in statute and to provide clarification of charter school appeal requirements.

SUMMARY: The amendment provides details regarding the timelines for charter school application denial appeals and the process for high performing charter replication application denial appeals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: