

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Energy

RULE NOS.:	RULE TITLES:
50-2.001	Florida Renewable Energy Technologies Sales Tax Refund
50-2.002	Florida Renewable Energy Technologies Investment Tax Credit
50-2.003	Florida Renewable Energy Production Tax Credit

PURPOSE AND EFFECT: The purpose of this new rule is to provide guidance to interested taxpayers for the application process, review and administration of the Florida Renewable Energy Technology Sales Tax Refund, the Florida Renewable Energy Technology Investment Tax Credit and the Florida Renewable Energy Production Credit.

SUBJECT AREA TO BE ADDRESSED: Florida Renewable Energy Technology Sales Tax Refund, Section 212.08, F.S.; Florida Renewable Energy Technology Investment Tax Credit, Section 220.192, F.S.; and Florida Renewable Energy Production Credit, Section 220.193, F.S.

RULEMAKING AUTHORITY: 212.08(7)(hhh)4.f., 220.192(7), 220.193(6) FS.

LAW IMPLEMENTED: 212.08(7)(hhh), 220.192, 220.193 FS.

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

DATE AND TIME: Wednesday, August 15, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Gatlin Ballroom, Rosen Shingle Creek, 9939 Universal Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001 or telephone (850)617-7470

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-1.002	Definitions
12D-1.009	Mapping Requirements

PURPOSE AND EFFECT: The purpose of the rulemaking action for the proposed amendment to Rule 12D-1.002 is to implement a statutory change enacted in Section 1 of Chapter

2012-193, Laws of Florida. The purpose of the rulemaking action for the proposed amendment to Rule 12D-1.009 is to update and clarify a provision dealing with the property ownership maps property appraisers use to help them identify, assess and value property. The effect of amending Rule 12D-1.002 is to ensure that statutory changes are incorporated into the Department’s rules on a timely basis. The effect of amending Rule 12D-1.009 is that the Department’s rules will reflect the most current procedures used by property appraisers.

SUBJECT AREA TO BE ADDRESSED: The subject of the proposed amendment to Rule 12D-1.002 is the definitions of words and phrases used by property appraisers in the procedures they follow when assessing and valuing property. The subject of the proposed amendment to Rule 12D-1.009 is the maps property appraisers use to help them identify, assess and value property.

RULEMAKING AUTHORITY: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 193.085, 193.461, 195.022, 195.062 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department’s site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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 days before the workshop/meeting by contacting: Larry Green at (850)617-8871. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). 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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-6.006 Fee Time-Share Real Property

PURPOSE AND EFFECT: The purpose of these proposed amendments is to conform definitions contained in this rule to statutory changes. The effect of these proposed rule revisions is to provide property appraisers with better guidance regarding the assessment of fee timeshare properties.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures property appraisers use to assess ad valorem taxes on fee timeshare properties.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 192.037, 193.011, 718.103, 719.103, 721.05, 721.08, 721.13 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-7.0025 Application for Certain Exemptions Without Required Documentation

PURPOSE AND EFFECT: : The purpose of this rulemaking action is to implement statutory changes enacted in Sections 19, 20, 21, 22, 27, and 28 of Chapter 2012-193, Laws of Florida. The effect of creating this rule is that applicants for certain exemptions can be granted exempt status while they await documentation that supports the exempt status.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures taxpayers use to prove they qualify for certain property tax exemptions.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.081, 196.082, 196.091, 196.101, 196.202, 196.24, 197.182, 213.05 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's Internet site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry

Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email: greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.005	Duties of the Board
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019 is to implement statutory changes enacted in Sections 2, 11, and 12 of Chapter 2012-193, Laws of Florida. The purpose of the proposed amendments to Rule 12D-9.020, F.A.C., is to implement the Administrative Law Judge’s ruling in Rob Turner, Hillsborough County Property Appraiser v. Department of Revenue, DOAH Case No 11-677, Summary Final Order dated June 22, 2011. It was found that the rule contradicts Section 194.011(4)(a), F.S. The effect of amending Rules 12D-9.001, 12D-9.005, and 12D-9.019 is to: recognize a taxpayer’s statutory right to request a rescheduled hearing appointment, if their petition is not heard at a value adjustment board (VAB) proceeding within a reasonable time after their originally-scheduled appointment; ensure that taxpayers who petition the VAB receive important information about their scheduled hearing; and, ensure the Department’s rules reflect recent statutory changes. The effect of the proposed amendments to Rule 12D-9.020 is to make the rule consistent with the Administrative Law Judge’s ruling regarding the exchange of evidence within the VAB hearing process.

SUBJECT AREA TO BE ADDRESSED: The subject of the proposed rule amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019 is the rights granted to petitioners at VAB proceedings; and, the specific procedures used in value adjustment board activities. The subject of the proposed rule amendments to Rule 12D-9.020 is the exchange of evidence process in VAB proceedings.

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

LAW IMPLEMENTED: 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.022, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 200.069, 213.05 FS.

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

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

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement provisions from Chapters 2010-147, 2011-182, and 2012-193 Laws of Florida, and to implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUBJECT AREA TO BE ADDRESSED: Revision, creation and repeal of PTO forms to incorporate legislative changes and other technical changes. Draft forms and text of Rule 12D-16.002 is posted on the Department’s website at: <http://dor.myflorida.com/dor/property/legislation/>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.081, 196.082,

196.091, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation/>.

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PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0131
 RULE TITLE: Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives

PURPOSE AND EFFECT: Rule 25-6.0131, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Electric utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 350.113, 366.14 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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-7.0131	Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts
25-7.101	Regulatory Assessment Fees

PURPOSE AND EFFECT: Rules 25-7.0131 and 25-7.101, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Gas utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 368.104 FS.

LAW IMPLEMENTED: 350.113, 366.14, 368.109 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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-30.120
 RULE TITLE: Regulatory Assessment Fees; Water and Wastewater Utilities

PURPOSE AND EFFECT: Rule 25-30.120, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly. The Regulatory Assessment Fee Extension Request form would also be amended to require a statement of good cause for the extension request, as required by Section 350.113(5), FS.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Water and wastewater utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 367.121(1) FS.

LAW IMPLEMENTED: 350.113, 367.145, 367.161 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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-1.108
 RULE TITLE: Officers, Term of Office and Duties

PURPOSE AND EFFECT: Split the office of Secretary-Treasurer into two offices, the office of Secretary and the office Treasurer.

SUBJECT AREA TO BE ADDRESSED: Structural management and Elected Officers of the Planning Council.

RULEMAKING AUTHORITY: 186.505, 120.54 FS.

LAW IMPLEMENTED: 186.505 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: August 15, 2012, 10:00 a.m.

PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hugh Harling, Jr., (407)262-7772 or hharling@ecfrpc.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29F-1.108 Officers, Term of Office and Duties.

(1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson, Secretary and Treasurer and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.

(2) The newly elected officers shall be declared installed following their election, and shall assume the duties of office.

(a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its best interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.

(b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.

(c) The Secretary-Treasurer shall be responsible for minutes for the meeting; keeping the roll of members; general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.

(d) The Treasurer shall be responsible for the general oversight of the financial affairs of the Council; and such other duties as may be assigned by the Chairman or the Council.

(3) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/Treasurer, Secretary, Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

Rulemaking Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New 9-22-99, Amended 11-16-11, _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-103.002	Inmate Grievances – Terminology and Definitions
33-103.005	Informal Grievance
33-103.006	Formal Grievance – Institution or Facility Level
33-103.007	Appeals and Direct Grievances to the Office of the Secretary
33-103.011	Time Frames for Inmate Grievances
33-103.014	Reasons for Return of Grievance or Appeal Without Processing
33-103.015	Inmate Grievances – Miscellaneous Provisions
33-103.016	Follow Through on Approved Grievances
33-103.018	Evaluation of the Grievance Procedure

PURPOSE AND EFFECT: The purpose of the rulemaking is to update the inmate grievance rules and to implement ch. 2012-41, Laws of Florida concerning grievances over the restraint of pregnant inmates. Form DC1-306 is revised for conformity with the rule and Department titles are changed. The effect of the rulemaking is to promote efficiency by specifying matters for which an inmate may proceed directly to a formal grievance or to the Office of Secretary without first having to submit an informal grievance. The rulemaking provides a new grievance procedure, including a time extension, for grievances relating to restraint of pregnant inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS., Ch. 2012-41, Laws of Fla.

LAW IMPLEMENTED: 944.09 FS., Ch. 2012-41, Laws of Fla.

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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) through (9) No change.

(10) Grievance of Sentence Structure (Release Date Calculations): Complaints concerning the manner in which the Department records and executes the judgment and sentence of the court. This category of appeal involves the calculation of the release date but does not include the determination of monthly gain time awards. Included are questions relating to the length of sentence, whether the court imposed mandatory or special sentencing provisions, credit for time served, date of imposition of sentence, sentence chaining (concurrent or consecutive), and forfeitures arising from judicial or Parole Commission revocations (not forfeitures through the administrative disciplinary process).

~~(11)(40)~~ HIPAA: The Health Insurance Portability and Accountability Act of 1996.

~~(12)(41)~~ Informal Grievance: ~~This is an~~ initial statement of complaint filed on Form DC6-236, an Inmate Request, ~~with the staff member who is responsible in the particular area of the problem.~~ Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The effective date of the form is 6-12.

~~(13)(42)~~ Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Policy Management and Inmate Appeals or his or her representative, ~~the Bureau Chief of Classification or his or her representative,~~ and the Library Services Administrator or his or her representative.

~~(14)(43)~~ Recipient: A person or office receiving an inmate grievance for processing.

~~(15)(44)~~ Reviewing Authority: A staff member authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) Informal Grievance: Staff member designated by the warden who is responsible for the issue grieved.

(b) through (d) No change.

~~(16)(45)~~ Response: The information provided to the inmate relative to the decision to approve, deny, or return the grievance and the reasons for the approval, denial, or return.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, 3-25-08, 5-27-12, _____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. Inmates may skip this step and initiate the process at the formal institutional level for issues pertaining to the following: grievance of an emergency nature, grievance of reprisal, grievance alleging violations of the Americans with Disabilities Act, medical grievance, grievance involving gain time governed by Rule 33-601.101.

~~F.A.C. Incentive Gain Time, grievance challenging placement in close management or subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., grievances regarding disciplinary action (does not include corrective consultations) governed by Rule 33-601.301-314, F.A.C. In the case of an emergency grievance, a grievance of reprisal, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process. Inmates may proceed directly to the Office of the Secretary on the following issues as governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA), rather than initiating an informal or formal grievance grievance of emergency nature, grievance of reprisal, protective management, admissible reading material, sentence structure issues (release date calculations), and inmate banking issues.~~

(a) through (c) No change.

(2) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, 1-31-10, 5-27-12, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) No change.

(2) Procedural Requirements.

(a) through (b) No change.

(c) The inmate shall state his grievance in Part A. If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303. Only 2 additional pages of narrative will be allowed. If the inmate writes his complaint anywhere other than within the boundaries of Part A or on the 2 allowable attachment pages, his grievance shall be returned for non-compliance.

(d) through (i) No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraph 33-103.002(15)(14)(b), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) through (f) No change.

(g) Grievance challenging placement in close management or subsequent review. Grievance involving sentence structure.

(h)(i) Grievance alleging violation of the Americans with Disabilities Act.

(i)(j) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, 3-25-08, 5-27-12, _____.

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) No change.

(2) Procedural Requirements.

(a) No change.

(b) The inmate shall state his grievance in Part A. If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303. Only 2 additional pages of narrative will be allowed. If the inmate writes his complaint anywhere other than within the boundaries of the Part A Box or on the 2 allowable attachments pages, his grievance shall be returned for non-compliance;

(c) through (f) No change.

(3) through (4) No change.

(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) Attach a copy of his formal grievance and response, except when appealing issues regarding requests for protective management, admissible reading material, sentence structure (release date calculations), inmate banking, emergencies or allegations of reprisal. (These may be filed directly to the Office of the Secretary).

(b) Attach a copy of his informal grievance and response, except when appealing issues regarding medical, Americans with Disabilities Act, gain time governed by Rule 33-601.101, F.A.C. Incentive Gain Time, placement in close management and subsequent reviews, return of incoming mail governed by Rule 33-210.101(14), F.A.C., disciplinary action (does not include corrective consultations) governed by Rule 33-601.314, F.A.C. grievances on inmate bank issues, sentence structure, disciplinary action (excluding corrective consultations), medical issues, admissible reading material, placement in close management and subsequent reviews, violation of the American with Disabilities Act, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time.

(c) through (e) No change.

(6) Direct Grievances.

(a) Emergency grievances, grievances of reprisals, protective management, admissible reading material, grievances concerning sentence structure (release date calculations), or inmate banking issues may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency or is a grievance of a reprisal. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. through 3. No change.

(b) No change.

(c) Grievances filed directly with the Office of the Secretary that are grievances of reprisal, protective management, admissible reading material, sentence structure (release date calculations), inmate banking issues, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

(d) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, protective management, admissible reading material, sentence structure (release date calculations), inmate banking issues, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four types of grievances.

(7) through (8) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, 3-25-08,_____.

33-103.011 Time Frames for Inmate Grievances.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) Filing of Grievances.

(a) Informal Grievances – Must be received within 20 days of when the incident or action being grieved occurred unless the inmate has requested in writing and received approval for a 45 day extension to file an informal grievance about being physically restrained during pregnancy, labor or post-partum recovery pursuant to Rule 33-602.211, F.A.C. The request for an extension must be submitted on Form DC6-236, Inmate Request, and received within 20 days of the application of restraints.

(b) through (d) No change.

(2) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, 3-25-08, 5-27-12,_____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, direct grievance, or grievance appeal, hereafter referred to as “grievance,” may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) through (j) No change.

~~(k) The inmate is being advised to re-file an informal grievance with a specific staff member.~~

~~(k)(4)~~ The inmate has written his or her complaint outside of the boundaries of the space provided on the grievance form or request form.

~~(l)(m)~~ The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.

~~(m)(n)~~ A decision has already been rendered to an inmate by a particular office on the issue currently being grieved before it.

~~(n)(o)~~ The inmate is grieving a matter beyond the control of the Department as described in subsection 33-103.001(4), F.A.C.

~~(o)(p)~~ The inmate is raising allegations and charges in a grievance appeal that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges, and facts that the previous decision maker has not had an opportunity to investigate and respond to.)

~~(p)(q)~~ The inmate has filed more than one appeal of a grievance. This would not include the situation where an inmate wishes to appeal the denial of his grievance as well as allege non-compliance with the grievance process. Since these are two separate issues, they would have to be raised in separate grievances.

~~(q)(+)~~ The inmate has filed a supplement to a grievance or appeal that has already been accepted. An exception will be made when the supplement contains relevant and determinative information that was not accessible to or known by the inmate at the time the original grievance or appeal was filed.

~~(r)(+)~~ Complaints are raised by an inmate regarding incidents that do not affect the inmate personally.

~~(s)(+)~~ The inmate filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

~~(t)(+)~~ The inmate used more than two (2) additional narrative pages.

~~(u)(+)~~ The inmate filed an informal grievance in excess of 20 days from the time the event being grieved occurred.

~~(v)~~ The inmate is using the grievance process to ask questions or seek information, guidance or assistance.

~~(w)~~ The inmate is filing an informal grievance about being physically restrained pursuant to Rule 33-602.211, F.A.C., either beyond the initial required timeframe without first requesting and obtaining an extension, or has filed beyond an approved 45 day extension.

(2) An inmate who has a grievance returned to him for reasons stated in subsection (1) above [excluding paragraph (1)(d), (e), (h), (i), ~~(m)(+)~~, ~~(n)(+)~~, ~~(p)(+)~~, ~~(q)(+)~~, ~~(r)(+)~~, (u), (v) or (w)] may refile utilizing the proper procedure or correct the stated deficiency and refile if upon receipt of this notification the filing is within time frames allowable. When a grievance is returned to an inmate for being improperly filed, the inmate shall be told why the grievance was returned and told that in order to receive administrative review of his complaint he must correct the defects and re-submit the grievance within the time frames set forth in Rule 33-103.011, F.A.C., unless instructed otherwise in the grievance response. Instructions to resubmit are not necessary if a grievance is returned for reasons stated in paragraph (1)(d), (e), (h), (i), ~~(m)(+)~~, ~~(n)(+)~~, ~~(p)(+)~~, ~~(q)(+)~~, ~~(r)(+)~~, (u), (v) or (w).

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, 2-9-05, 6-13-12,_____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (11) No change.

(12) Staff shall respond to inquiries made by the Bureau of Policy Management and Inmate Grievance Appeals by the close of business on the seventh day after the request.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, 9-4-05, 10-28-07, 5-27-12,_____.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances that are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of Form DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399. <http://www.flrules.org/Gateway/reference.asp?No=Ref-01224>. The effective date of the form is _____ ~~08-01-00~~.

(b) through (f) No change.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08,_____.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Regional Directors of Institutions Office of Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees’ and inmates’ comments on the effectiveness and credibility of the procedure, on-site visits to institutions and facilities by staff of the Bureau of Policy Management and Inmate Appeals ~~Bureau of Internal Audit~~, and from requested reports prepared by the Bureau of Policy Management and Inmate Appeals.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05, 5-27-12,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.311
 RULE TITLE: Inmate Discipline – Miscellaneous Provisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify when an inmate awaiting a disciplinary hearing may be transferred. Where circumstances dictate, an inmate may be immediately transferred before disciplinary hearings are held.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.
 RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.719, 945.04 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: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.311 Inmate Discipline – Miscellaneous Provisions.

(1) through (2) No change.

(a) No change.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to the transfer. Exceptions to this shall be made ~~only~~ in extreme circumstances, ~~for example, strikes or disturbances~~ where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete the inmate notification, the disciplinary investigation report and the designating authority review, if not completed prior to transfer. The Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden.

(c) No change.

(3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 10-1-95, Formerly 33-22.011, Amended 5-21-00, 2-11-01, 7-8-03, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220
RULE TITLE: Administrative Confinement

PURPOSE AND EFFECT: The primary purpose of this rulemaking is to amend Form DC4-650, Observation Checklist. The proposed rule also strikes the forms list and, instead, incorporates each form in the substantive rule text.

SUBJECT AREA TO BE ADDRESSED: Administrative Confinement

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 20.315, 944.09, 945.04 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (3)(c)1. No change.

2. If the inmate submits a request for release in writing at any time during the ICT review or investigation process, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is hereby incorporated by reference ~~in subsection (1) of this rule.~~ A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-03. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate’s written request.

3. through 4. No change.

5. The State Classification Office (SCO) shall determine within five working days whether protection is necessary based upon the investigation and any follow-up they deem appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO’s decision shall be documented in the electronic classification contact log in OBIS. If the SCO determines that a need for protection exists, they shall direct that the inmate shall be placed in a protective management unit or transferred to resolve the inmate’s need for protection. If a decision is made to transfer the inmate for housing in a protective management unit or to resolve the inmate’s need for protection at the inmate’s current location, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO’s decision by the ICT. At the time of notification, the inmate shall be asked if he wants to appeal the decision. The inmate’s acknowledgement of being informed of the SCO denial and the inmate’s decision on whether or not to appeal shall be documented on the electronically produced Notification of Protective Management Disapproval, Form DC6-137, and the

electronic contact log. Form DC6-137 is hereby incorporated by reference ~~in subsection (11) of this rule~~. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-03. The inmate shall remain in administrative confinement until the appeal process is complete.

6. through (6)(e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to him or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. ~~Form DC4-650 is incorporated by reference in subsection (11) of this rule.~~

(g) through (10) No change.

~~(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(a) Form DC4-650, Observation Checklist, effective date 4-8-08.~~

~~(b) Form DC6-203, Protection Waiver/Appeal Decision, effective date 1-19-03.~~

~~(c) Form DC6-137, Notification of Protective Management Disapproval, effective 1-19-03.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.071

RULE TITLE:
Durable Medical Equipment and
Medical Supply Services Provider
Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071 is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Services Provider Fee Schedules, June 2012. The amendment updates Durable Medical Equipment (DME) and medical suppliers who provide services to Medicaid recipients.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

An additional area to be addressed during the workshop will be the potential regulatory impact of Rule 59G-4.071 as provided for under sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 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, August 15, 2012, 10:30 a.m. – 11:30 a.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: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. 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: Dan Gabric, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida. 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida

Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, ~~June 2012~~ ~~November 2011~~, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, ~~June 2012~~ ~~November 2011~~, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-7-07, Amended 5-8-08, 9-28-11, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130 RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.130 is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, update August 2012. The handbook is being revised to comply with mandates passed in the 2012 Legislative Session, which include: limiting home health visits to three visits per day for non-pregnant adults and implementing a Telephonic Home Health Service Delivery Monitoring and Verification Program statewide.

SUBJECT AREA TO BE ADDRESSED: Home Health Services

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 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, August 15, 2012, 9:30 a.m. – 11:30 a.m.

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

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: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. 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: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida, 32308-5407, (850) 412-4266, claire.davis@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, ~~August 2012~~ ~~December 2011~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. The Both handbooks is~~ are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

(3) No change.

(4) The following appendices are included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook and are incorporated by reference: Appendix B, Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), December 2011; and in Appendix C, the Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA-Med Serv Form 046, July 2008; Appendix D, Guidelines for Evaluating Family Support and Care Supplements, December 2011; Appendix E, Physician Visit Documentation Form AHCA-Med Serv Form 5000-3502, October 2010; Appendix F, Parent or Legal Guardian Medical Limitations AHCA-Med Serv Form 5000-3501, October 2010; Appendix G, Parent or Legal Guardian Work Schedule AHCA-Med Serv Form 5000-3503, December 2011; Appendix H, Parent or Legal Guardian Statement of Work Schedule AHCA-Med Serv Form 5000-3504, December 2011; Appendix I, Parent or Legal Guardian School Schedule AHCA-Med Serv Form 5000-3505, December 2011; Appendix J, Medicaid Instructions for Personal Care Services Plan of Care and Form AHCA-Med Serv Form 5000-3506, December 2011; Appendix K, Medicaid Physician's Written Prescription for Home Health Services AHCA-Med Serv Form 5000-3525, December 2011; Appendix L, Review Criteria for Private Duty Nursing Services, December 2011; and Appendix M, Medicaid Review Criteria for Personal Care Services, December 2011. The forms are available by photocopying them from the handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08, 6-25-12, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.205 Practitioner Services

PURPOSE AND EFFECT: The purpose of new Rule 59G-4.205 is to incorporate by reference the new Florida Medicaid Practitioner Services Coverage and Limitations Handbook, October 2012. The new handbook applies to all Medicaid enrolled Physicians, Advanced Registered Nurse Practitioners, Physician Assistants, Anesthesiologist Assistants, and Registered Nurse First Assistants. Enrolled practitioners listed above must be in compliance with all provisions and requirements of the handbook. This includes policy clarification and updated information regarding billing.

SUBJECT AREA TO BE ADDRESSED: Practitioner Services
An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.205 will have as provided for under sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919, FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.9081, 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, August 15, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, 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: Kathleen Core at the Bureau of Medicaid Services, (850)412-4221. 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: Kathleen Core, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida. 32308-5407, telephone: (850)412-4221, e-mail: kathleen.core@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.205 Practitioner Services.

(1) This rule applies to all Physicians, Advanced Registered Nurse Practitioners, Physician Assistants, Anesthesiologist Assistants, and Registered Nurse First Assistants enrolled in the Medicaid program.

(2) All practitioner providers listed above and enrolled in the Medicaid program must be in compliance with the Florida Medicaid Practitioner Services Coverage and Limitations Handbook, October 2012, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent’s Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. A paper copy of the handbook may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-39.0015	Definitions
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.0041	Eligibility Criteria for Receipt of Tier One Undesignated Funds
60L-39.005	Application Procedures
60L-39.006	Department Duties and Responsibilities
60L-39.007	Appeals
60L-39.008	Local Steering Committees
60L-39.009	Campaign Supported Activities

PURPOSE AND EFFECT: The Department proposes revisions to the rule in order to clarify and align provisions with statutory authority. Chapter 2012-15, Laws of Florida, amends the FSECC statute (Section 110.181, F.S.) to require that all employees who participate in the campaign must designate the participating charity(ies) which are to receive their donations, and to remove all references to “undesignated funds”.

SUBJECT AREA TO BE ADDRESSED: Rule 60L-39, F.A.C., needs to be amended to repeal the provisions related to the raising of undesignated funds; the process and form used to determine eligibility for charities to receive undesignated funds; and the allocation of undesignated funds. In its place, the revised rule proposes a uniform method by which agency sponsored events can be used to raise “designated” funds; updates program terminology; and provides for use of new pledge forms.

RULEMAKING AUTHORITY: 110.181(3) FS
 LAW IMPLEMENTED: 110.181 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: August 14, 2012, 10:00 a.m.
 PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950
 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: Ms. Erin S. Thoresen at (850)922-1274 or by email at Erin.Thoresen@dms.myflorida.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: Ms. Erin S. Thoresen at (850)922-1274 or by email at Erin.Thoresen@dms.myflorida.com
 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

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete modify language to clarify the continuing education requirements for certificate holders and registrants.
 SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for certificate holders and registrants.
 RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.
 LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

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

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.011	Purpose and Scope
63F-10.012	Definitions
63F-10.013	Requests for Youth Information
63F-10.014	Release of Records by Department
63F-10.015	Record Sharing Agreements with Other Government Agencies
63F-10.016	Confidentiality of Records Released by Department

PURPOSE AND EFFECT: The rule establishes the process by which the department may make available records regarding youth.
 SUBJECT AREA TO BE ADDRESSED: The rule describes the procedures by which requests for youth records and access to youth are processed and acted upon. Media access to youth is also addressed.
 RULEMAKING AUTHORITY: 985.04, 985.64 FS.
 LAW IMPLEMENTED: 985.04 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Tuesday, August 28, 2012, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact: John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-9.001	Biennial Licensing

PURPOSE AND EFFECT: To update the material incorporated by reference to comply with the requirements in Chapter 2012-64, L.O.F.
 SUBJECT AREA TO BE ADDRESSED: Renewal Notices.
 RULEMAKING AUTHORITY: 456.004(1) FS.
 LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635 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: Diane Dennin, Operations and Management Consultant I, 4052 Bald Cypress Way, Bin #C-01, Tallahassee, Florida 32399-3257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.004
RULE TITLE: Continuing Education
PURPOSE AND EFFECT: To update the continuing education requirements for physicists-in-training.
SUBJECT AREA TO BE ADDRESSED: Continuing education.
RULEMAKING AUTHORITY: 483.901(6)(j) FS.
LAW IMPLEMENTED: 483.901(6)(j) 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, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.001	Fees
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0031	Radiation Therapy Assistance by General Radiographers
64E-3.0032	Radiologist Assistant Duties and Supervision.
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.004	Practice of Radiologic Technology by Applicants for Certification by Examination

64E-3.005	Written Examinations
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses
64E-3.010	Reactivation of Inactive Certificates
64E-3.011	Disciplinary Guidelines

PURPOSE AND EFFECT: To implement Chapter 2012-168, L.O.F., to include new specialty technologist categories and amend rule language as necessary to ensure that all rules conform to statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees; definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; title, scope of practice and prohibited practices for all persons certified or governed by Ch. 468, Part IV; x-ray; radiography; nuclear medicine; radiation therapy; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation, and relinquishment; investigations; disciplinary guidelines; national organizations; specialty boards; advisory council recommendations.

RULEMAKING AUTHORITY: 381.0034, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307(1), 468.309, 468.3095, 468.3101(4), (6) FS.

LAW IMPLEMENTED: 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 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: Brenda Andrews, 4052 Bald Cypress Way, Bin C21, Tallahassee, FL 32399-1741, (850)245-4266; Brenda_Andrews@doh.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: 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 2013 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.

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: August 14, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone

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: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (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: 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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 2013 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 2012 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: August 14, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone

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: Jean Salmonsens 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-2.006	Restricted Species Endorsement Exemption

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule additions to the Restricted Species Saltwater Products License Endorsement requirements in the 2012 calendar year to assist veterans looking to enter the commercial fishing industry.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include exemptions to the requirements of the Restricted Species Endorsement located in Section 379.361, F.S., for Florida resident veterans of the United States Armed Forces.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution

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: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.:	RULE TITLE:
73B-11.013	Filing Claims and Providing Documentation

PURPOSE AND EFFECT: The amendment set forth in this Notice of Rule Development will require reemployment assistance claimants to register for work by logging onto the Employ Florida Marketplace (EFM) website and providing an email address, completing the EFM Background Wizard, and creating an online resume.

SUBJECT AREA TO BE ADDRESSED: Reemployment Assistance Claims and Benefits.

RULEMAKING AUTHORITY: 443.091(1)(a), 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.1116 FS.

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

DATE AND TIME: August 20, 2012, 3:00 p.m.

PLACE: Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Room 110, Tallahassee, Florida 32399-6545

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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150. 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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-11.013. Filing Claims and Providing Documentation.

(1) through (2) No change.

(3) Registration for Work.

(a) Unless exempted under Section 443.091(1)(b), F.S., the claimant must file a complete work registration on the Employ Florida Marketplace website, which may be accomplished by logging onto <http://www.employflorida.com>. To complete the work registration, the claimant must: The filing of an unemployment compensation claim also constitutes registration for job search and reemployment assistance with the One-Stop Career Center nearest the claimant's address of record.

1. Provide an email address;

2. Complete the Background Wizard; and

3. Create an Online Resume.

(b) The Background Wizard and Online Resume application may require the claimant to provide information relating to his or her:

1. Level of education;

2. Occupational license or certification;

3. Skills and abilities;

4. Driver's license;

5. References; and

6. Any other information required by the Department in its online application process.

(4) No change.

(5) No change.

Rulemaking Authority 443.091(1)(a), 443.1317(1)(b), 443.151(2)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 FS. History—New 8-25-92, Formerly 38B-3.013, Amended 8-14-08, 11-27-11, Formerly 60BB-3.013, Amended _____.

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:

RULE TITLE:

19B-16.003

Participation Agreement

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

SUMMARY: The Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 10, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request to the Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the disclosure statement and participation agreement. The Florida College Investment Plan Disclosure Statement and Participation Agreement, Form No. FPCB 2012-04 2010-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (3) No change.

(4) The disclosure statement and A participation agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.