

deliver important public assistance information and materials. And, the proposed amendments will synchronize the public assistance policies with public assistance programs operations. SUBJECT AREA TO BE ADDRESSED: The definitions used in the public assistance programs.

RULEMAKING AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 5, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.042	Third-Party Voter Registration Organizations

PURPOSE AND EFFECT: To revise the procedures used by third-party voter registration organizations and election officials to align them with a federal court decision concerning the law which the rule implements.

SUMMARY: The proposed rule restricts the registration requirement to only those organizations who actually collect voter registration applications from voters; eliminates the organization's registration agent sworn statement form, DS-DE 120; deletes the requirement for an organization to list its volunteer registration agents on the registration form, DS-DE 119; deletes the requirement for an organization to file a

monthly report, DS-DE 123, accounting for voter registration applications; changes the time period from 48 hours to 10 days for the organization to deliver a completed voter registration application to the Division or to a supervisor of elections' office after an applicant delivers the application to the organization; and further refines the procedures for supervisors of elections regarding untimely filed voter registration applications and the procedures for the Secretary of State's referral of a violation to Florida's Attorney General.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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: This rule will not require legislative ratification pursuant to Section 120.541(3), F.S., because the rule applies only to election-related activities. Based upon past experiences with rules of this nature, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; nor will it increase regulatory costs in excess of the threshold mandating legislative ratification. No other statute requires legislative ratification for this rule.

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: 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS.

LAW IMPLEMENTED: 97.012(1), (2), (15), 97.021 (37), 97.053, 97.0575 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

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

PLACE: Room 307, R.A. Gray Building, Department of State, 500 S. Bronough 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: Gary J. Holland, Assistant General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, telephone: (850)245-6536, e-mail: gary.holland@dos.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 IS: Gary J. Holland, Assistant General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, telephone: (850)245-6536, e-mail: gary.holland@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The following forms are hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <http://election.myflorida.com/forms/index.shtml>:

(a) Form DS-DE 119 (eff. ~~09/2012~~ 06/2011), (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00428>~~), entitled "Third-Party Voter Registration Organization Registration Form."

(b) ~~Form DS-DE 120 (eff. 06/2011), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00429>), entitled "Third-Party Voter Registration Organization Registration Agent's Sworn Statement."~~

(~~b~~) Form DS-DE 121 (eff. 06/2011), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00430>), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(d) ~~Form DS-DE 123 (eff. 06/2011) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00431>), entitled "Third-Party Voter Registration Organization's Accounting of Voter Registration Applications."~~

(~~c~~) Form DS-DE 124 (eff. 06/2011) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00608>), entitled "Supervisor of Elections' Accounting of Third-Party Voter Registration Organization's Voter Registration Applications."

(2) Definitions. For purposes of Section 97.0575, F.S., the following definitions apply:

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.

(b) "Engaging in any voter registration activities" means that the organization is ~~soliciting for collection or~~ collecting voter registration applications from Florida voter registration applicants.

(c) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel.

(d) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

(e) "Registration agent" means any individual who is employed by or volunteers for a third-party voter registration organization and ~~who solicits for collection or~~ who collects voter registration applications from Florida voter registration applicants on behalf of the organization.

(3) Registration.

(a) Before engaging in any voter registration activities, a third-party voter registration organization (hereinafter "organization") shall complete and file Form DS-DE 119 with the Division. The organization must submit the form as an attachment in pdf format in an email to 3PVRO@dos.myflorida.com or transmit the form to the Division's facsimile machine at (850)245-6291. An affiliate organization which itself independently engages in separate ~~solicits for collection of or collects~~ voter registration applications from Florida voter registration applicants on behalf of the affiliate must file a Form DS-DE 119 even if its affiliated organization has filed a Form DS-DE 119. An organization shall also use Form DS-DE 119 to update or terminate its registration.

(b) Upon receipt of an organization's initial and completed registration, the Division shall assign the organization a unique third-party voter registration organization identification number that begins with "3P." An organization is not deemed registered as a third-party voter registration organization until the Division issues the organization its identification number.

(~~e~~) ~~A registration agent must complete, sign, and date Form DS-DE 120 before beginning his or her duties for the organization and the organization must ensure the form is submitted to the Division within 10 days after the form is signed. Form DS-DE 120 may be submitted to the Division when the organization submits its initial Form DS-DE 119. For any addition to the list of its registration agents or change in information about a registration agent other than termination of a registration agent, the organization shall submit an updated Form DS-DE 119. For permissible means of notifying the Division of the termination of a registration agent, See paragraph (6)(b).~~

~~(c)(d)~~ A registration agent may be a registration agent for one or more organizations, ~~but each organization must ensure that the registration agent submits a separate Form DS-DE 120 for its organization.~~

~~(d)(e)~~ An organization shall submit any change in information previously submitted to the Division, including any addition to the list of its employee registration agents, any termination of an employee registration agent, or change in information about an employee registration agent, within 10 days following the change. A change is not considered filed until the Division receives the change. Notice of termination of an employee registration agent shall be provided as set forth in paragraph (6)(b).

~~(e)(f)~~ Except as otherwise provided in paragraph (6)(b), any forms or amendments or additions to forms required under this subsection must be submitted in the same manner of transmission required for the Form DS-DE 119 used to initially register an organization.

(4) Voter Registration Applications Provided to and Used by Third-Party Voter Registration Organizations.

(a) All voter registration applications provided by the Division and each supervisor of elections to an organization shall include the third-party voter registration organization identification number on the bottom of the reverse side of each voter registration application in a manner that does not obscure any other entry.

(b) The registration agent or the organization shall print the date ~~and time~~ that the ~~voter registration applicant~~ delivered completed the application to the registration agent in a conspicuous space on the bottom portion of the reverse side of the voter registration application ~~it collects from a voter registration applicant~~ in a manner that does not obscure any other entry. The date ~~and time~~ printed by the registration agent or the organization shall be in the following numerical format: MM/DD/YY; ~~hh:mm am/pm~~. For example, if the voter registration applicant completed the application on May 15, 2014 ~~at 1:30 p.m.~~, the entry on the bottom portion of the reverse side of the application shall be: 5/15/14; ~~1:30 p.m.~~ The entry for an application completed on October 11, 2014 ~~at 11:30 a.m.~~, would be printed as 10/11/14; ~~11:30 a.m.~~ on the bottom portion of the reverse side of the application.

(c) Each organization shall ensure that its assigned organization identification number is recorded on the bottom portion of the reverse side of any voter registration application it delivers to the Division or a supervisor of elections in a manner that does not obscure any other entry.

(d) Delivery of the voter registration application by the organization to the Division or a supervisor of elections may be accomplished by in-person delivery or mail. All applications must be delivered to the Division or a supervisor of elections or be postmarked within 10 calendar days of collection by an organization or any of its registration agents. If the 10th day falls on a weekend, holiday, or other day on which the Division

or the supervisor of elections office is closed, the voter registration application must be delivered to the Division or the supervisor of elections or be postmarked by the following business day. If, however, a book closing deadline for any given election for federal or state office falls within the 10-day period described above, all applications collected by an organization or any of its registration agents before book closing must be delivered to the Division or a supervisor of elections on or before the book closing deadline.

(5) Referral to Attorney General for Enforcement; Waiver of Fines upon Showing of Force Majeure or Impossibility of Performance. Monthly Report by Organizations.

(a) In exercising the authority to refer violations of the third-party voter registration law to the Attorney General for enforcement, the Secretary of State's principal concern is the protection of applicants who have entrusted their voter registration applications to a third-party voter registration organization. By law, the organization serves as a fiduciary to those applicants, who have a right to expect that their applications will be timely delivered to an elections official irrespective of party affiliation, race, ethnicity, or gender. By the 10th day of each month, each organization shall submit to the Division a Form DS-DE 123 to account for the number of state and federal voter registration application forms provided to and received from each of its registration agents for the preceding month. If the organization had no voter registration activity in the preceding month, the organization shall still submit Form DS-DE 123 reflecting that it did not provide voter registration applications to, or receive any from, its registration agents.

(b) Any organization claiming that its failure to deliver a voter registration application within the required timeframe was based upon force majeure or impossibility of performance may provide a sworn statement to the Division explaining the circumstances constituting force majeure or impossibility of performance. Form DS-DE 123 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.myflorida.com or transmitted to the Division's facsimile machine at (850)245-6291.

(c) If the information provided to the Division by the organization demonstrates that the failure to timely deliver a voter registration application was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General for enforcement.

(6) Termination of Organization and Employee Registration Agent.

(a) If an organization terminates its status as a third-party voter registration organization, the organization shall submit within 10 days a Form DS-DE 119 reflecting its termination and also a Form DS-DE 123 to report its final accounting of voter registration application forms provided to the organization by the Division or any supervisor of elections. All such voter registration applications remaining in the

~~organization's possession should be returned either to the Division or a supervisor of elections within 10 days of filing Form DS-DE 123. The address for the Division is Bureau of Voter Registration Services, Division of Elections, R. A. Gray Building, Room 316, Tallahassee, Florida 32399-0250. The address for the applicable supervisor of elections may be obtained by telephoning 850-245-6200 or found on the Internet at http://election.dos.state.fl.us/SOE/supervisor_elections.shtml.~~

(b) If an employee registration agent's employment with, ~~or volunteer services for,~~ an organization is terminated, the organization shall file notice of the terminated status of the employee a registration agent by submitting an updated Form DS-DE 119 or by sending a notification of the termination by email to 3PVRO@dos.myflorida.com or by transmitting the notification to the Division's facsimile machine at (850)245-6291 within 10 days of the termination. If Form DS-DE 119 is not used as the means of notification, the notification shall contain the organization's assigned identification number and the name of the employee registration agent being terminated.

(c) Forms DS-DE 119 ~~and DS-DE 123~~ required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.myflorida.com or transmitted to the Division's facsimile machine at (850)245-6291.

(7) Processing of Voter Registration Applications from an Organization by the Division and Supervisors of Elections.

(a) For each non-blank registration application that an organization delivers to the Division or supervisor of elections, a voter registration official shall record the date ~~and time~~ of delivery on the bottom portion of the reverse side of the application in a manner that does not obscure any other entries. For purposes of this rule and not for voter registration purposes, an application is considered delivered to the Division or a supervisor of elections at the time the application is actually delivered by the organization by in-person delivery or, if mailed, the date of delivery shall be the date of a clear postmark, if one is present on the mailing envelope. If a postmark is not present or unclear, the date of delivery to the Division or a supervisor of elections is the actual date of receipt. ~~If the date of delivery is the mail postmark, the applicable 48 hour period for the determination of fines pursuant to Section 97.0575, F.S., shall be based upon a whether the postmark is within two days of the date when the applicant completed the voter registration application, unless the organization provides documentation at the time of mailing the application that the date the applicant completed the application was on an earlier date than when the applicant delivered the application to the organization.~~ For a determination of a fine based upon the application being received by mail after the book closing date, a clear postmark on or before the date of book closing will excuse the fine. If an

organization delivers more than one application at the same time, those applications shall bear the same date ~~and time~~ of delivery regardless of when the applications are processed.

(b) An organization's untimely delivery of a voter registration application does not affect the validity of the application. ~~Every Such~~ application must be processed regardless of the timeliness of its delivery.

(c) The Division and supervisors of elections shall record the number of state or federal voter registration applications they provide to, and receive from, each organization. Each supervisor of elections shall report to the Division on Form DS-DE 124 by noon of the following business day the number of voter registration applications provided to and received from each organization the previous business day. Supervisors of Elections are not required to submit Form DS-DE 124 when they did not provide any voter registration applications to, or receive any from, an organization on the preceding business day.

(d) Form DS-DE 124 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.myflorida.com or transmitted to the Division's facsimile machine at (850)245-6291.

(8) Complaints.

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121 to file the complaint with the Division.

(b) Any other person, except supervisors of elections or their staff, may report allegations of irregularities or fraud involving voter registration by filing an elections fraud complaint with the Division. *See* Rule 1S-2.025, F.A.C.

(c) Supervisors of elections or their staff shall report any untimely filed voter registration application submitted by an organization by sending the Division an explanatory statement in an email and attaching documents which reflect the untimely submission in pdf format to 3PVRO@dos.myflorida.com, ~~or~~ by transmitting the explanatory statement and documentation to the Division's facsimile machine at (850)245-6291, or by having them delivered by express mail or expedited courier service. For any application containing an organization's identification number – but no other information indicating it was collected by a third-party voter registration organization, such as a cover letter or a "date delivered" mark as required by paragraph (4)(b) and that was received after the book closing date or more than 10 days after the date on which the applicant signed it – the explanatory statement should include a description of the supervisor's efforts to contact the applicant to confirm that the application was delivered to the organization.

(d) The Secretary of State will not refer a violation to the Attorney General unless there is evidence that the applicant entrusted the voter registration application to a third-party voter registration organization.

Rulemaking Authority 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS. Law Implemented 97.012(1), (2), (15), 97.021(37), 97.053, 97.0575 FS. History—New 2-26-09, Amended 5-31-10, 11-2-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John Boynton, Acting Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-204.002	Food Services – Definitions
33-204.003	Food Services – Standards of Operation

PURPOSE AND EFFECT: The rulemaking was initiated to amend the rules governing the operation of food services. The purpose and effect of the proposed rule is to update the definitions, departmental titles and rule references. The changes allow the choice of diet for inmates in special housing. The rules specify where to obtain a copy of the Dietary Reference Intakes of the Food and Nutrition Board and the reasons for deviation from the master menu. New provisions relating to sanitation and the preparation and preservation of food are provided. The reasons for immediate removal from the vegan meal pattern are amended. Form DC4-668, Diet Attendance Roster, is incorporated to track inmates on vegan and therapeutic diets. Consequences for missing vegan meal plans or therapeutic diet meals are provided.

SUMMARY: The rulemaking amends the rules governing the operation of food services; updates definitions, department titles and rule references; addresses rules relating to choice of diet; provides the consequences of missing vegan or therapeutic meals; and adds new rules for preparation of master menus and sanitation relating to food preparation and preservation. Form DC4-668, Diet Attendance Roster, is incorporated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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: Upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as 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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means a standardized menu for all inmates, based on the Dietary Reference Intakes established by the Food and Nutrition Board of the National Academy of Sciences, that is certified for nutritional adequacy by a registered dietitian licensed in Florida who is employed by the Department ~~the menu that is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee, and certified nutritionally adequate as determined by a licensed registered dietitian employed by the department.~~

(2) through (3) No change.

(4) “Master Menu Committee” refers to the committee of staff members responsible for developing the Master Menu ~~the food services advisory group which consists of the Chief, Bureau of Institutional Support Services or his designee, the central office public health nutrition program manager, and the central office food service administrator. The Chief, Bureau of Institutional Support Services has the authority to invite other staff as necessary.~~

(5) “Vegan meal pattern” refers to a meal pattern that excludes all animal byproducts. Inmates who wish to be on the vegan meal pattern must submit Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. Form DC6-236 is incorporated by reference in Rule 33-103.005019, F.A.C. Inmates who choose the vegan meal pattern shall not be permitted to eat from the regular menu or choose the alternate entrée and are subject to removal from the pattern pursuant to Rule 33-204.0032, F.A.C.

(6) “Food Service Director” refers to the Department staff member who is in charge of food service operations at a facility and who is under the direct supervision of the assistant warden of operations.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 3-3-10, _____.

33-204.003 Food Services – Standards of Operation.

(1) No change.

(2) Confinement and special housing units.

(a) All inmates in confinement and special housing shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) Upon entering confinement or special housing, an inmate shall designate his or her singular choice of the regular menu, alternate entrée, or vegan meal pattern. The inmate may voluntarily alter this choice by submitting Form DC6-236, Inmate Request, to the food service director every 30 days. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

~~(c)(b)~~ Hot food served in satellite food operations shall be protected from contamination in transit and shall be served at temperatures set by the Department of Health.

~~(d)(e)~~ The provisions of Rule 33-602.223, F.A.C., shall be utilized in placing inmates on the special management meal.

~~(e)(d)~~ Food shall not be withheld, nor the standard menu varied, as a disciplinary sanction or as a reward for good behavior or work for an individual inmate.

(3) Menus. The Dietary Reference Intakes of the Food and Nutrition Board, National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Dietary Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the Dietary Reference Intakes may be obtained from the Bureau of Contract Management and Monitoring Institutional Support Services, Food Service Section, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The Dietary Reference Intakes were copyrighted in 2004 2001.

(a) through (c) No change.

(d) The master menu shall be adhered to except that specific menus and menu items are subject to change by the person in charge of food service at each facility due to production or equipment problems, non-delivery of ingredients

or food items, product availability, or security issues, use of farm produce or USDA commodities, or as authorized by the warden. Failure to order a product does not constitute a lack of availability. Substitutions will not be planned to utilize leftovers. When menu substitutions are required, the substitutions will be from the same food group as the original menu item. The master menu manual provides a list of appropriate substitutions within food groups. All inmates shall receive the same food items as specified on the master menu. Adequate amounts of food must be prepared to serve all inmates according to the master menu.

(e) No change.

(f) Food and beverage shall not be consumed in food preparation areas.

(g) Leftover foods must be labeled with the contents, date, and time of production and handled in accordance with the provisions of Chapter 64E-11, F.A.C. Food Hygiene.

(h) Toilet and hand-washing facilities shall be readily available to food service staff and inmate food handlers. Food service staff and inmate food handlers are required to wash their hands prior to reporting to duty and after using toilet facilities.

(i) A copy of Chapter 64E-11, F.A.C., Food Hygiene, will be available for reference at each department food service facility.

(4) Vegan meal pattern. Inmates may choose the vegan ~~(strict vegetarian)~~ meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed, and shall indicate if they are participating as a vegan. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. ~~Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.~~

(a) The following inmates shall be removed immediately from the vegan meal pattern:

1. Inmates observed eating from the regular menu;
2. Inmates observed eating the alternative entrée; and
3. Inmates who are not on the meal pattern for religious reasons and who intentionally purchase, possess, or consume items from the canteen that contain any animal products or byproducts.

(b) No change.

(c) An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for a minimum of 30 days.

(5) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing.

Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Nutrition Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(6) Religious Diets. The alternate entree and the vegan meal pattern provides meal options for the religious requirements of inmates ~~whose religions require a pork free, lacto-ovo, lacto-vegetarian, or vegan diet.~~

(7) Meal attendance for inmates on the vegan meal pattern or a therapeutic diet shall be tracked using Form DC4-668, Diet Attendance Roster. Form DC4-668 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee FL 32399-2500. The effective date of the form is _____.

(a) An inmate on the vegan meal pattern who misses 10% or more of his or her vegan meals within a month will be removed from the vegan meal plan and may not re-apply for a minimum of six months.

(b) An inmate on a therapeutic diet who, following the orientation, misses 10% or more of his or her meals during the first month, or misses nine meals in any calendar month thereafter, is subject to disciplinary action.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09, 3-3-10, 7-18-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jodie Bailey, Director of Office Management and Contract Procurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2012

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

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

PURPOSE AND EFFECT: The purpose of the proposed rule is to require automated monitoring and data transmission for actual use of water authorized by water use permits. The effect of the proposed rule is to include provisions to require permit applicants to submit, as part of their water use permit conditions, records of groundwater and surfacewater withdrawals.

SUMMARY: This proposed rule will require automated submittal of actual groundwater and surfacewater withdrawal data for projects that require water use permits. The proposed amendments will be located within the SRWMD Water Use Permitting Guide which is incorporated by reference into Rule 40B-2.301, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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: Water use permit holders may choose to implement a District-sponsored water use monitoring system at no cost to the permit holder. The cost to the District to implement monitoring on behalf of permit holders is minimized by the use of existing data sources such as consumption of electrical data by pumps or motor run time.

The cost of automated data transmission to permit holders and the District is minimized by using the least-cost data transmission platform available with consideration given to using the District's existing automated water resources monitoring network.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.232, 373.236, 373.239, 373.250 FS.

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

DATE AND TIME: October 11, 2012, 5:30 p.m.

PLACE: Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060

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: Robin Lamm, Business Resource Specialist II, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only). 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: Robin Lamm, Business Resource Specialist II, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-2.301 Conditions for Issuance of Permits.

(1) through (2)(k) No change.

(3) The standards and criteria set forth in the Water Use Permitting Guide, effective DATE ~~January 6, 2010~~, hereby incorporated by reference into this chapter, if met, will provide the reasonable assurances required in this section. This document is available at District headquarters and on the District's website at www.mysuwanneeriver.com.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.232, 373.236, 373.239, 373.250 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10,_____.

PROPOSED WATER USE PERMITTING GUIDE LANGUAGE

3.4.1. Automated Monitoring of Groundwater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of groundwater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each well of inside diameter eight inches or greater at land surface and shall be delivered by 12:00 p.m. local time the following day via approved telemetry consistent with District data formats. The permittee may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

3.4.2. Automated Monitoring of Surfacewater Withdrawals

For new water uses, renewed permits, and modifications of permits proposing new withdrawals, the Permittee shall implement automated monitoring of surfacewater withdrawals, at Permittee's expense, upon commencement of such withdrawals. The monitoring and reporting shall include reporting daily volume pumped by each station that has an outside diameter of six inches or greater and shall be delivered by 12:00 p.m. local time the following day via approved telemetry consistent with District data formats. The permittee

may choose a standardized Suwannee River Water Management District automated monitoring system to fulfill this requirement.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Water Supply and Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.:	RULE TITLE:
61G16-1.0071	Notice to the Department of Mailing Address, Email Address, Place of Practice and Primary Place of Practice

PURPOSE AND EFFECT: The Board proposes this rule amendment to include an electronic address for licensees.

SUMMARY: The rule amendment will add electronic addresses for licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.275, 492.104, 492.109 FS.

LAW IMPLEMENTED: 455.275, 492.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-1.0071 Notice to the Department of Mailing Address, Email Address, and Place of Practice; and Primary Place of Practice.

(1) It shall be the duty and sole responsibility of each licensee and each firm, corporation, partnership, association, or person holding a certificate of authorization to provide written notification to the Department of the licensee's or certificate of authorization holder's current mailing address, email address and all places of practice. Each licensee and certificate of authorization holder shall also provide written notification to the Department of any changes to the mailing address, email address or any additions to or deletion from the reported places of practice within thirty (30) days after the occurrence of the change, addition, or deletion. Beginning October 1, 2012, all licensees must provide an electronic mail address at the time of initial licensure or during the first biennial licensure renewal date following October 1, 2012. It is further requested that all licensees and firms, corporations, partnerships, associations, and persons holding a certificate of authorization also provide to the Department the e-mail address for the licensee or certificate of authorization holder whenever possible.

(2) The term "mailing address" and "email address" shall mean the address at which the licensee or certificate of authorization holder wishes to receive all official communications, notifications, and correspondence from the Board or the Department through United States Postal Service delivery or through electronic mail.

(3) through (5) No change.

Rulemaking Specific Authority 455.275, 492.104, 492.109 FS. Law Implemented 455.275, 492.109 FS. History—New 5-4-97, Amended 3-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2012

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NO.: 63H-1.005
 RULE TITLE: Authorized Mechanical Restraints
 PURPOSE AND EFFECT: The amendment implements Ch. 2012-41, Laws of Florida, restricting the use of restraints on pregnant inmates.

SUMMARY: The amendment expands the protection for pregnant youth already provided in subsection (10), so that the use of mechanical restraints will be further restricted. The amendment adds soft restraints to the list of items that cannot be used on pregnant youth, and expands the restriction to cover the postpartum period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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.

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: 985.64, 985.645 FS., ch. 2012-41, Laws of Fla.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, October 16, 2012, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

63H-1.005 Authorized Mechanical Restraints.

(1) The department authorizes the use of only those mechanical restraints addressed in this rule. All mechanical restraints shall be designed and manufactured for the specific purpose of secure transport or restraint.

(2) Authorized mechanical restraints to be used within a facility are as follows: handcuffs, leg restraints, restraint belt, soft restraints, and waist chains.

(a) Handcuffs. The availability and versatility of handcuffs make their use practical in most restraint situations. Handcuffs are light, flexible, and easy to apply. Standard handcuffs, used by most law enforcement agencies, are approved for use.

(b) Restraint Belt. A restraint belt may be used with handcuffs when added security is needed. The restraint belt is a leather or nylon belt that is secured behind the back of the youth with an independent lock, buckle, or Velcro fastener. The belt is fashioned so that handcuffs secured to the front of the belt provide an alternative to restraining a youth’s hands in the behind-the-back position.

(c) Leg restraints. Leg restraints are similar to handcuffs, but usually have a 15-inch chain separating the restraints. Leg restraints are typically used in conjunction with handcuffs to restrict the movement of the feet and legs.

(d) Soft restraints. Soft restraints, such as nylon flex cuffs (also known as zip cuffs), or Velcro or leather devices, are authorized for use as an alternative to hard restraints.

(e) Waist chains. Waist chains are designed to limit arm movement and keep hands visible at all times by securing them at the youth’s waist. Waist chains are typically used only for transportation. There are two basic types: a nickel plated chain, usually 60 inches long with a sturdy cuff clip to permit quick attachment of handcuffs; or a similar chain with handcuffs permanently attached.

(3) through (9) No change.

(10) If handcuffs are used on pregnant youth, they shall be cuffed in front. Leg restraints, waist chains, soft restraints, and the restraint belt shall not be used on pregnant youth. Restraints may not be used on a youth who is known to be pregnant during labor, delivery, and postpartum recovery. For purposes of this subsection, “postpartum recovery” shall include the period immediately following delivery, including the recovery period when a youth is in the hospital or infirmary, up to 24 hours after delivery, unless the physician after consultation with the department recommends a longer period of time.

(11) No change.

Rulemaking Authority ~~985.64, 985.645, 985.405, 985.4055~~ FS. Law Implemented ~~985.645(2)(a) FS., ch. 2012-41, Laws of Fla. 985.4055(2)(a) FS.~~ History—New 11-19-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Denny Clark, Director, Staff Development and Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Wansley Walters, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
69E-121.007	Public Records and Availability of Forms: Procedures for Inspecting and Copying Public Records and for Obtaining Department Forms; Fees
69E-121.010	Indexing, Management, and Availability of Final Orders
69E-121.087	Fingerprint Fee

PURPOSE AND EFFECT: The proposed amendments to Rules 69E-121.007 and 69E-121.010, F.A.C., will update the rules to conform to the current statutory provisions in the Florida Public Records Law, Chapter 119, F.S., and the Florida Insurance Code, Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S. Rule 69E-121.087, F.A.C., is repealed.

SUMMARY: Rule 69E-121.007, F.A.C., is amended to add definitions for the terms “clerical or supervisory assistance” and “use of information technology resources”; to delete the list of statutory citations to exemptions to the Public Records Law; to update the procedure for requesting public records; to require that the requester pay the entire estimated amount in advance of the work on the public records request; changes the charge for copying from 50 cents to 15 cents per page; clarifies when the special service charge for extensive use of personnel or information technology resources will be imposed; and deletes obsolete provisions of the rule. Rule 69E-121.010, F.A.C., is amended to change the charge for copying from 50 cents per page to 15 cents per page and to add a fee of \$5.00 for each certificate under seal authenticating a final order. Rule 69E-121.087, F.A.C., is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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 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: The Department conducted an economic analysis of the potential impact of the proposed changes and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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: 17.29, 120.533, 624.308, 717.138 FS.

LAW IMPLEMENTED: 119.01, 119.011, 119.021, 119.07, 120.53, 624.23, 624.231, 624.307(1), 624.311, 624.501 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

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

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephanie Iliff, Director, Division of Administration, 200 E. Gaines Street, Tallahassee, FL 32399-0313, (850)413-2014 or Stephanie.Iliff@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69E-121.007 Public Records and Availability of Forms: Procedures for Inspecting and Copying Public Records and for Obtaining Department Forms; Fees.

(1) Purposes. This rule serves several purposes. These are set out below with references to other parts of the rule which more specifically address those purposes.

~~(a) The rule establishes reasonable procedures for inspecting and copying public records of the Department, in compliance with the spirit and purpose of the "Public Records Law," Chapter 119, F.S. The Department fully supports the purpose of the Public Records Law: that public access to government activities is crucial to the proper functioning of a free and democratic society. Except as limited by applicable statutory restriction, as set out in subsection (3), all records of the Department are public and shall be made available for inspection and examination or for copying. These procedures may be found in subsections (4) through (9).~~

~~(b) The rule establishes procedures to provide for the safety and security of the Department's public records. The Department's regulatory responsibilities under the Florida Insurance Code, and as Chief Financial Officer and State Fire Marshal include maintaining the security of all the Department's public records; adherence to retention and destruction schedules mandated by the Department of State; and the proper handling of those documents which are exempt, whether temporarily or permanently, from public inspection. These procedures are found throughout subsections (4) through (9).~~

~~(c) The rule establishes a procedure for the public to obtain forms adopted and used by the Department in carrying out its regulatory responsibilities. This procedure may be found in subsection (10).~~

(1)(2) Definitions:

(a) "Archived records" are those records of historical value which are permanently retained by the Florida State Archives of the Department of State.

(b) "Clerical or supervisory assistance" includes searching for and locating the requested record, reviewing for statutorily exempt or confidential information, redaction of statutorily exempt or confidential information, preparing, and copying and re-filing the requested record.

(c) "Current rate of pay" means, for Department employees, that employee's salary plus benefits divided by 2080, or for persons employed by the Department to supervise or otherwise assist in the provision of public records, that person's hourly rate as charged to the Department by that person's employer.

(d) "Department" means the Florida Department of Financial Services.

(e) "Extensive," as used in Section 119.07(4)(d), F.S., means that it will take more than 30 minutes of time expended by personnel to provide clerical or supervisory assistance or use information technology resources or both.

(f) "Forms" means those forms used by the Department in carrying out its regulatory responsibilities, that have been adopted and incorporated by reference in the Department's rules in Title 69 of the Florida Administrative Code.

(g)(a) "Public records" means the definition provided in Section 119.011, F.S. include all documents, papers, letters, maps, books, audio and video tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Department, which are used to perpetuate, communicate or formalize knowledge.

(h)(b) The "Public Records Law" means is Chapter 119, F.S.

(e) "Department" is the Florida Department of Financial Services.

(d) "Investigation" means those activities which are statutorily exempt from inspection, examination and copying under the Public Records Law.

(e) The term "forms" refers to those forms, used by the Department in carrying out its regulatory responsibilities, which have been adopted and incorporated by reference in the Department's rules in Title 69 of the Florida Administrative Code.

(f) The term "requester" refers to a person who has made a public records request to inspect, examine, or copy documents in the custody or control of the Department pursuant to Chapter 119, F.S.

(g) The term "Agency Clerk for Public Records Requests" is that person designated by the Chief Financial Officer to receive and respond to public records requests under Chapter 119, F.S.

(h) “Request for information” means any request made by the public to inspect, examine, or copy public records.

(i) “Public Record Document Viewing Room (PRDVR)” refers to the facility in the Larson Building, 200 East Gaines Street, Tallahassee, Florida, which is provided, maintained, and staffed by the Department for the purpose of reviewing public records of microfilmed form and rate filings, and hard copies of annual and quarterly financial statements filed by entities regulated by the Department. This room is operated by the Department’s Document Processing Section. See subsection (6).

(j) “Extensive,” as used in Section 119.07(1)(b), F.S., means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material.

(j) “Requester” means a person who has made a request to inspect or copy a public record in the custody or control of the Department pursuant to Chapter 119, F.S.

(k) “Request for a public record” means any request made by a person to inspect or copy public records.

~~(l)(k)~~ “Special service charge,” means the charge authorized as used in Section 119.07(4)(d) ~~(1)(b)~~, F.S., which charge will be computed to the nearest quarter of an hour exceeding 30 ~~15~~ minutes based on the current rate of pay of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request for the person who performed the service and will be assessed when appropriate regardless of the number of individual copies made.

(l) “Current rate of pay” means, for Department employees, that employee’s salary plus benefits divided by 2080, or for persons employed by the Department to supervise or otherwise assist in the provision of public records, that person’s hourly rate as charged to the Department by that person’s employer.

(m) “Archived records” are those records of historical value which are permanently retained by the Florida State Archives of the Department of State.

~~(m)(n)~~ “Stored records” are those records which are inactive but that must be kept for legal or fiscal reasons. These records are routinely transferred by the Department to the Florida Records Center, Tallahassee, Florida, or other rented facilities for storage until the time for retaining them has expired pursuant to the retention schedule for those documents mandated by the Department of State.

(n) “Use of information technology resources” is the use of information technology resources, as defined in Section 119.011, F.S., and includes the amount of computer time allocated to the project, including setup, implementation, and use of information technology resources, as well as the time it takes Department personnel to research, compile and format data.

~~(3)~~ Records which are exempt from inspection, examination, and copying under the Public Records Law. Section 119.07(3)(a), F.S., provides an exemption from inspection, examination, and copying of those public records which are “presently provided by law to be confidential or which are prohibited from being inspected by the public, whether by general or special law.” The following is a list of those records presently exempt. Any exemption hereafter enacted shall not be deemed waived or otherwise void or unenforceable simply because it is not included in this list. The short description of the exemption following the citation is intended solely as a quick indication of the topic of the exemption and not as a legally binding description or definition. The statute should be consulted for a more complete understanding of the exemption.

~~(a)~~ Section 119.07(3)(c), F.S.: examination question and answer sheets.

~~(b)~~ Section 119.07(3)(n), F.S.: attorney work product.

~~(c)~~ Section 119.07(3)(dd), F.S.: social security numbers of state employees.

~~(d)~~ Section 284.40(2), F.S.: Risk Management claim files.

~~(e)~~ Sections 119.07(3)(b) and 624.319(3), F.S.: examination and investigation reports.

~~(f)~~ Section 624.310(3)(f), F.S.: certain emergency orders.

~~(g)~~ Section 624.311(2), F.S.: insurance claim negotiations of state agencies and political subdivisions.

~~(h)~~ Section 624.82, F.S.: proceedings and records relating to administrative supervision.

~~(i)~~ Section 624.91, F.S.: confidential information obtained by the Healthy Kids Corporation remains confidential.

~~(j)~~ Section 625.121(3)(a)10., F.S.: memorandum in support of actuarial opinion regarding reserves under the Standard Valuation Law.

~~(k)~~ Section 626.511(3), F.S.: reasons for termination: agents, solicitors, and other insurance representatives.

~~(l)~~ Section 626.521(4), F.S.: agents, adjusters, other insurance representatives: character and credit reports.

~~(m)~~ Section 626.601(6), F.S.: investigations of agents, adjusters, and other insurance representatives.

~~(n)~~ Section 626.631(2), F.S.: documents and other evidence relating to revocations of those licensed under Chapter 626, F.S.

~~(o)~~ Section 626.7492(3)(f), F.S.: summary of refusal to issue reinsurance intermediary license.

~~(p)~~ Section 626.921(3), F.S.: certain filings by surplus lines agents.

~~(q)~~ Section 626.989(5), F.S.: records of fraud investigations.

~~(r)~~ Section 627.351(4)(g), F.S.: certain claim files in the medical malpractice joint underwriting association.

~~(s)~~ Section 627.6699(8)(e), F.S.: small employer carrier rating and renewal practices.

~~(t) Section 627.736(9)(a), F.S.: reports of PIP cancellations and nonrenewals.~~

~~(u) Section 627.912(2)(e), F.S.: certain information regarding professional liability claims.~~

~~(v) Section 627.9122(2)(e), F.S.: certain information regarding officers' and directors' liability claims.~~

~~(w) Section 627.9126(3)(a)6., F.S.: certain information provided by liability insurers.~~

~~(x) Section 631.398(1), F.S.: reports and recommendations made to the Department relating to insurer solvency.~~

~~(y) Section 631.62(2), F.S.: request from FIGA board of directors to examine a member insurer.~~

~~(z) Section 631.62(3), F.S.: reports and recommendations made to the Department by the FIGA board of directors relating to insurer solvency.~~

~~(aa) Section 631.723(1), F.S.: reports and recommendations made to the Department by the FLHIGA board of directors relating to insurer solvency.~~

~~(bb) Section 631.723(3), F.S.: request from FLHIGA board of directors to examine a member insurer.~~

~~(cc) Section 633.111, F.S.: fire and arson investigations.~~

~~(dd) Section 633.175(4), F.S.: information relating to fraudulent insurance claims involving fire.~~

~~(ee) Section 633.527(1), F.S.: test material relating to applicants for licensure under Chapter 633, F.S.~~

~~(ff) Section 634.045(5), F.S.: filings made by guarantee organizations relating to motor vehicle service warranty associations.~~

~~(gg) Section 634.141, F.S.: examinations of motor vehicle service warranty associations pursuant to Section 624.319, F.S.~~

~~(hh) Section 634.201(3), F.S.: investigations of motor vehicle service warranty association salesmen.~~

~~(ii) Section 634.314, F.S.: examinations of home warranty associations pursuant to Section 624.319, F.S.~~

~~(jj) Section 634.348, F.S.: active examination and investigatory records relating to home warranty associations.~~

~~(kc) Section 634.4065(5), F.S.: filings made by guarantee organizations relating to service warranty associations.~~

~~(ll) Section 634.444, F.S.: active examination and investigatory records relating to service warranty associations.~~

~~(mm) Section 634.26(3), F.S.: active investigations of bail bondsmen and runners.~~

~~(nn) Section 648.266, F.S.: confidential information obtained by Bail Bond Advisory Council to remain confidential.~~

~~(oo) Section 648.39(1), F.S.: termination information regarding bail bondsmen.~~

~~(pp) Section 648.41, F.S.: termination information regarding runners.~~

~~(qq) Section 648.46(3), F.S.: active investigation of bail bondsman.~~

~~(rr) Section 651.105(3), F.S.: active investigations of continuing care providers.~~

~~(ss) Section 651.121(5)(c), F.S.: records of the Continuing Care Advisory Council regarding providers placed in administrative supervision.~~

~~(tt) Section 651.134, F.S.: active investigations and examinations of continuing care providers.~~

~~(uu) Section 766.105(3)(c), F.S.: claim files of the Florida Patient's Compensation Fund.~~

~~(vv) Section 766.314(8), F.S.: hospital records sent to the Florida Birth Related Neurological Injury Compensation Association.~~

~~(ww) Section 768.28: Risk Management claims evaluation.~~

~~(xx) Section 815.04(3)(a), F.S.: trade secrets, as defined in Section 812.081, F.S., in the possession of the Department.~~

~~(yy) Section 943.0585, F.S.: expunged criminal history records.~~

~~(zz) Section 943.059, F.S.: criminal history records sealed by court order.~~

~~(2)(4) General Procedures regarding Public Records. For specific procedures, depending on the nature of the record document, see subsections (3)(5) through (6)(9).~~

~~(a) Location of Department Records Documents. The Department's records documents are located in several places. Many may be found at the Department's headquarters in Tallahassee, Florida; others are in the Department's several field offices; some are stored in rented facilities, and others are stored in the custody of the Department of State at the Florida Records Storage Center in Tallahassee, Florida. The Department is solely responsible for arranging for inspection of any Department records stored in its various offices, rented facilities or the Florida Records Storage Center. Records that which are archived are in the custody of the Department of State and are housed in the R. A. Gray Building, Tallahassee, Florida.~~

~~(b) Where Documents May be Inspected, Examined or Copied. A requester may inspect, examine, or copy public records at the Larson Building in Tallahassee; in another Department building in Tallahassee or in a field office, if the subject records are located in that building; in the Florida State Archives; or in the Florida Records Storage Center; or in the Florida State Archives. In order to maintain the integrity of the Department's records, inspection, examination and copying shall be made in the building in which they are located. Arrangements to inspect or copy records that are stored in the Florida Records Storage Center, Tallahassee, Florida, awaiting destruction in accordance with the requirements of the Department of State, may be made by contacting the Public Records Unit. Arrangements to inspect, examine and copy records at the Florida State Archives may be made by contacting the Department of State calling (850)488-2073. Arrangements to inspect, examine, and copy records which are~~

stored in the Florida Records Storage Center, Tallahassee, Florida, awaiting destruction in accordance with the requirements of the Department of State, may be made by contacting the Agency Clerk for Public Records Requests at (850)413-4167.

(c) Supervision of Inspection, ~~Examination~~ and Copying of Public Records. The Public Records Law recognizes that agencies are responsible for the integrity and security of their records and provides that inspection, ~~examination~~ and copying of public records be under ~~the supervision of the custodian of the records~~. The Department will provide the necessary supervision in a variety of ways, depending on the nature of the request and the documents involved. The supervision will be accomplished either by a Department employee if one is available or by a person from a temporary help service hired by the Department. Under no circumstances will inspection or copying of Department records be unsupervised left alone with a requester.

(d) Applicable Fees and Charges.

1. Advance Payment. Pursuant to the provisions of Article VII, Section 10 of the Florida Constitution, the Department is prohibited from extending credit. Further, Section 119.07(4)(d) ~~(1)(a)~~, F.S., provides says that the records custodian “shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law” Additionally, Section 624.501, F.S., provides that the “department . . . shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows” Therefore, all fees and charges applicable to a particular public records request must be paid in advance of the performance by the Department of the copying or other work that will be necessary to comply with the request (aside from the work needed to calculate or estimate the fees and charges). The Department will prepare an invoice reflecting the applicable charge once the total number of copies and any special service charge is known. If Where the precise amount of the special service charge or copy charge cannot be calculated in advance, the special service charge shall be estimated, ~~and the requester shall be required to pay seventy-five percent of the estimate prior to the Department’s beginning work,~~ and the requester must pay that estimated amount in advance of work on the request; the balance will be adjusted as necessary to reflect actual charges incurred, upon completion of the special services and the requester must pay any additional amounts due before receiving the records. If a refund is in order, this will be provided by the Department. The requester shall make his or her check or money order payable to the “Florida Department of Financial Services” and shall deliver it to the Department. Upon receipt, the Department shall furnish the copies to the requester. If a requester pays in cash or pays in person by check or money order, he or she will be escorted by a

Department employee to the Accounts Receivable Section in the Bureau of Financial and Support Services where the cash, check or money order will be accepted and a receipt provided.

2. Section 624.501~~(19)(a)~~, F.S., requires the Department to charge 15 50 cents a page for copies of documents or records on file with the Department. Section 119.07~~(1)(a)~~, F.S., permits the Department to charge an additional 5 cents per page for two-sided copies. The Department will copy documents two-sided if specifically requested. However, since copying two-sided takes longer than copying one-sided, requesters should be aware that a special service charge will apply if the production of the documents becomes extensive. See paragraphs ~~(1)(2) (c)(j), (e)(k)~~ and (l). Further Section 624.501, F.S., requires the Department to charge \$5.00 for each certificate under seal authenticating any document or other instrument.

3. Special Service Charge for Extensive Use of Personnel or Information Technology Resources.

a. Pursuant to Section 119.07~~(4)(d) (1)(b)~~, F.S., a special service charge will be charged, in addition to any cost for copies, when the time spent in responding to the public records request by clerical or supervisory personnel is “extensive,” as that term is defined in paragraph ~~(1)(e) (2)(j)~~, above. The “special service charge” will be computed as defined in paragraph ~~(1)(l) (2)(k)~~, above, in accordance with the definition of “current rate of pay,” as defined in paragraph ~~(1)(c) (2)(4)~~, above, and will begin to be assessed after the extensive use period begins. In the case of records inspection requests, copying and special service charges will be assessed where, because part of the records are exempt from disclosure and need redacting, a set of redacted records must be made to allow inspection, and the redacting process will require extensive use of clerical, supervisory or technical resources or both.

b. Pursuant to Section 119.07~~(4)(d) (1)(b)~~, F.S., a special service charge for requests requiring data supplied on a computer diskette which requires extensive use of information technology resources as defined in paragraph (1)(n), above will be assessed after the extensive use period begins, but which is otherwise readily available from the Department’s computer database will be calculated by taking into account the following factors: ~~the cost of the diskette;~~ the amount of computer time allocated to the project; the current rate of pay of Department personnel compiling the information, multiplied by the time allocated to the project, which time shall include researching, compiling, and formatting the data as well as any other direct costs associated with providing the data in a readable format ~~on a diskette.~~

(e) Duplication of Documents other than Paper. The Department will duplicate or arrange for the duplication of audio tapes, video tapes, and microfilm, if available, on request. The Department does not have its own facilities to perform these functions. Therefore, the Department will make

arrangements with a commercial service to make duplicates. The requester will be charged the actual cost to the Department charged by the commercial service plus a special service charge, if making the arrangements for the duplication takes more than 30 45 minutes. Under no circumstances will the Department's documents be released to the requester for duplication nor will Department employees make duplicates at home using their own equipment.

~~(3)(5) Agency Clerk for Public Records Requests (the Clerk).~~

~~(a) Requests shall be made directly to the Department division, bureau, office or other subordinate section in which the records are maintained, if known. If this information is not known, requesters can make requests directly to the Department's Public Record Unit, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0311, which will route requests appropriately. Requests for responses by multiple offices of the Department shall also be made to the Public Record Unit for routing and disposition. In order to ensure the most expeditious response, all public records requests should be in writing, addressed to: Agency Clerk for Public Records Requests, G49 Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0307. Requests may also be made by calling (850)413-4167, or by fax at (850)921-6117. Requests are not required to be in writing. However, requesters should be aware that the Department regulates many individual people and individual companies with names that are very similar. The Department will make every effort to ensure that records concerning the person or company intended by the requester are provided. However, if a miscommunication occurs because a request was not in writing, the requester will be expected to pay for any copies made in error.~~

~~(b) The Clerk will then direct the request to that part or those parts of the Department where the records are located. With the assistance of the Department personnel having immediate control of the records, the Clerk will determine when the documents will be available; where they may be inspected, examined or copied; the approximate number of documents involved; and a rough estimate of the cost of the inspection, examination or copying. This information will be communicated to the requester so that the requester can either confirm that he wishes to go forward with the request as originally stated or can modify his request. The Clerk and the requester will then make arrangements for the inspection, examination, and copying in accordance with the general procedures described in subsection (4).~~

~~(c) If the request is one that is handled routinely by the Public Document Viewing Room, the Clerk will transmit the request to the person in charge of the PDVR and subsequent arrangements will be made in accordance with subsection (6).~~

~~(b)(d) If the request is one involving the Department's final orders, as indexed pursuant to Rule 69E-121.010, F.A.C., the request may be made directly to, or will be transmitted Clerk will transmit that request to the Division of Legal Services for processing.~~

~~(6) Public Document Viewing Room (PDVR). During the first two years of its operation, this room has been used almost exclusively by attorneys and commercial search services to review, on behalf of competitors, other insurers' form and rate filings and financial statements. Therefore, the procedures for the use of this room are designed to most expeditiously accommodate that part of the public. Requesters wishing to inspect, examine or copy any of the documents routinely available in this facility but not wishing to comply with the procedures of this subsection should direct their request to the Agency Clerk for Public Records Requests. See subsection (5).~~

~~(a) Records Available in this Facility. The records available are insurer form and rate filings initially submitted by a company authorized to do business in Florida; approved or disapproved form and rate filings submitted by a company authorized to do business in Florida; and annual and quarterly financial statements filed by companies doing business in Florida.~~

~~(4)(b) Public Record Viewing Room (PRVR) Access to the PDVR.~~

~~(a)1. Hours of Operation. The PRVR room is open during the Department's normal business hours from 9:00 a.m. to 4:00 p.m., Monday through Thursday. The room is closed between 4:00 and 5:00 p.m. to allow the staff to refile documents used that day and to assemble the documents necessary for the next day's appointments. The room is closed on Friday to allow for maintenance and servicing of the copiers and microfilm readers.~~

~~2. Appointments. Appointments are scheduled on a first come, first served basis. Appointments are scheduled for the first available date and time. The appointment must be confirmed in writing by the requester, together with written confirmation of the documents to be inspected, examined or copied. Whenever possible during the appointment, staff will make every effort to accommodate additional document requests.~~

~~3. Appointments Forfeited. If a requester fails to arrive within 30 minutes of the confirmed appointment time, the appointment will be forfeited and offered to another requester. The requester missing an appointment will be required to make a new appointment.~~

~~4. Operation of Standby List for Appointments. Staff will maintain a standby list of those wishing to be contacted if an appointment is forfeited. The individual or company next on the list will be offered the opportunity to come to the PDVR. If the individual or company cannot arrive within 30 minutes of the call or does not wish to use the forfeited appointment slot,~~

staff will contact the next name on the list. Once everyone on the list has been contacted, staff will go back to the beginning of the list and start over. Staff shall maintain a standby log to record the time called, the person spoken to, the response given, and any list of documents to be reviewed, if requested during the phone call.

5. How to Get on the Standby List. To get on the standby list, the requester shall write to the Supervisor, Document Processing Section, G49 Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0311. The letter shall state that the person wishes to be placed on the standby list and shall provide the following information: individual's name or the company's name; the name of a primary and a secondary contact within the company, if applicable; the individual's or the company's address; and the telephone number or numbers for the contacts. The Supervisor shall ensure that the individual or company is placed on the standby list. Once a year, the Supervisor shall contact, in writing, everyone on the standby list requesting confirmation of the information on file and updating the list as necessary. Any individual or company which does not respond to the annual update request shall be deleted.

6. Emergency Access. Requests for emergency access to the PDVR will be handled on a case-by-case basis. The Department will accommodate such requests if the Department has the necessary resources available to do so. The resources are: personnel to search for, retrieve, and review the document to ensure that it is not privileged or confidential; personnel to assist the requester in inspecting and examining the document; personnel to make any copies the requester may request; equipment available to inspect or examine the document if the document is in other than paper form; equipment available to copy the document, regardless of what form the document is in; and physical location, usually a conference room, in which the inspection or examination can take place.

(b)7. Use of Personal Copiers in the PRDVR. Personal copiers ~~may~~ cannot be used in the PRDVR, with prior approval depending upon space limitations in the PRVR and if such use does not interfere with the work of the Public Record Unit or other PRVR users because there is no space in the room to set up any more equipment than is already there. Requests to use personal copiers shall be directed to the Public Record Unit Agency Clerk for Public Records Requests. See subsection (5).

(5)(7) Specific Procedure Regarding Final Orders. Public records which are final orders subject to the indexing requirements of Sections 120.532 and 120.533, F.S., are made available pursuant to the provisions of Rule 69E-121.010, F.A.C.

(8) Consumer Helpline. Requests for copies of public documents which are received in the course of a conversation on the Department's Helpline shall be directed by the consumer services in take person to the Agency Clerk for Public Records Requests.

(6)(9) Database Information.

(a) All persons requesting information from the Department's computer database systems, ~~which includes the Department's annual report; other special computer reports; lists and labels,~~ shall submit their requests in accordance with paragraph (3)(a) above to the Document Processing Section, Department of Financial Services, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0311. Upon receipt of the request, the division, office, or other unit, as appropriate, Document Processing Section will prepare an invoice for the items requested.

(b) The following costs are applicable:

1. ~~The cost for the Annual Report of the Department will be established by determining the actual cost of publication, which shall include the cost of printing, binding, writing, editing, typesetting, artwork, photography, and whatever other costs are directly attributable to the actual cost of publication of the report.~~

2. ~~If applicable, there~~ There will be a special service charge, calculated as described in subparagraph (2)(4)(d)3., for ~~computer lists, mailing labels, additional barcodes, or any records generated~~ requiring extensive use of information technology resources or extensive clerical or supervisory assistance or both.

(c) If the purchaser has contacted the Public Records Unit Document Processing Section directly for the request and has received an invoice from the Unit Section, the purchaser shall return the original copy of the invoice to: Department of Financial Services Finance and Accounting, Revenue Processing Section, Document Processing Section, Post Office Box 6100, Tallahassee, Florida 32314-6100, along with payment in the amount of the invoice. All checks or money orders shall be made payable to the Florida Department of Financial Services. Invoices received from other Department units shall be remitted to the address specified on the invoice if different from the preceding.

(d) Upon receipt of payment, the items requested will be forwarded to the requesting party.

(7)(10) Procedure Regarding Forms. A copy of any of the forms adopted in the rule chapters affecting regulated entities may be obtained on the Department's Internet website at <http://www.myfloridacfo.com/> or by writing to: Florida Department of Financial Services, Division of Administration, Forms Management Section, Larson Building, Tallahassee, FL 32399-0313. ~~Copies may also be obtained from the specific parts of the Department referenced in the rules in which the forms are adopted.~~

Rulemaking Specific Authority 17.29, 420.53, 624.308, 717.138 FS. Law Implemented 119.01, 119.011, 119.021, 119.031, 119.041, 119.07, 120.53, 624.23, 624.231, 624.307(1), 624.311, 624.501, 627.919 FS. History—New 1-1-75, Formerly 4-38.07, 4-38.007, Amended 2-5-87, 6-4-92, 5-30-95, Formerly 4-121.007, Amended

69E-121.010 Indexing, Management, and Availability of Final Orders.

- (1) No change.
- (2) Public Inspection and Duplication.

(a) The following shall be made available from the Department for public inspection and copying, at a cost of \$ 15 ~~50~~ per page:

- 1. ~~(a)~~ All final orders.
- 2. ~~(b)~~ A current subject-matter index identifying all final orders.

(b) A fee of \$5.00 shall be assessed for each certificate under seal authenticating a final order.

- (3) through (8) No change.

Rulemaking Specific Authority 17.29, 120.533, 120.533(1)(b), (c), (i), (j), 624.308, 624.501 FS. Law Implemented 119.021, 119.041(2), 120.53(2)(a)1-5, (d),(3),(4), 120.53, 120.533, 624.501 FS., ~~Ch. 91-30, sec. 10, Laws of Florida~~. History–New 6-4-92, Amended 3-1-93, 9-19-94, Formerly 4-121.010, Amended.

69E-121.087 Fingerprint Fee.

Rulemaking Specific Authority 215.405 FS. Law Implemented 215.405, 624.307(1), 624.34, 624.501, 626.171(5) FS. History–New 10-25-88, Formerly 4-38.055, Amended 9-19-94, Formerly 4-121.087, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Iliff, Director, Division of Administration
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-128.035
 RULE TITLE: Effective Date

PURPOSE AND EFFECT: This rule was identified as being unnecessary as part of the 2011 comprehensive rule review project.

SUMMARY: The rule is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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 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: The Department conducted an economic analysis of the proposed rule’s potential impact and determined that it did not exceed any of the 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: 624.308, 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 17, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 East 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 IS: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-128.035 Effective Date.

Rulemaking Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New 12-8-02, Formerly 4-128.035, 69B-128.035, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NOS.: 73C-22.002, 73C-22.004
 RULE TITLES: Definitions, Distribution of Funds

- 73C-22.005 Subgrantees
- 73C-22.006 Policy Advisory Council
- 73C-22.007 Minimum Program Requirements and Policies
- 73C-22.008 Allowable Expenditures
- 73C-22.011 Standards and Techniques for Weatherization
- 73C-22.013 Monitoring, Training and Technical Assistance
- 73C-22.014 Required Records and Reports
- 73C-22.015 Weatherization Contracts and Amendments

PURPOSE AND EFFECT: This rule is being repealed.
 SUMMARY: The rule is being repealed as no longer needed.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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:

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: 120.53(1), 163.03(3) FS.
 LAW IMPLEMENTED: 163.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paula Lemmo, Community Program Manager, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120, Tallahassee, Florida 32399-6545, (850)717-8470

THE FULL TEXT OF THE PROPOSED RULES IS:

73C-22.002 Definitions.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.002, Repealed.

73C-22.004 Distribution of Funds.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.004, Repealed.

73C-22.005 Subgrantees.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.005, Repealed.

73C-22.006 Policy Advisory Council.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.006, Repealed.

73C-22.007 Minimum Program Requirements and Policies.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.007, Repealed.

73C-22.008 Allowable Expenditures.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.008, Repealed.

73C-22.011 Standards and Techniques for Weatherization.

v Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.011, Repealed.

73C-22.013 Monitoring, Training and Technical Assistance.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.013, Repealed.

73C-22.014 Required Records and Reports.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.014, Repealed.

73C-22.015 Weatherization Contracts and Amendments.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula Lemmo, Community Program Manager, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120, Tallahassee, Florida 32399-6545, (850)717-8470

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Hunting F. Deutsch, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2012P