

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking

## DEPARTMENT OF STATE

## Division of Elections

RULE NO.:

RULE TITLE:

1S-2.047

State Campaign Matching Funds  
Program

**PURPOSE AND EFFECT:** The proposed rule implements the requirements of the Florida Election Campaign Financing Act found within Sections 106.30-.36, F.S. The rule was formerly contained in Rule 1S-2.017, F.A.C., but is being removed from that rule as not being completely relevant to the electronic filing of campaign finance treasurers' reports. The proposed rule incorporates up-to-date procedures and forms to be used by the Division of Elections and by candidates eligible for state campaign matching funds.

**SUBJECT AREA TO BE ADDRESSED:** Campaign Finance.

**SPECIFIC AUTHORITY:** 20.10(3), 106.33, 106.35(1), (5) FS.

**LAW IMPLEMENTED:** 106.30-.36 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:** January 26, 2009, 2:00 p.m.

**PLACE:** Room 307, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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: Kristi R. Bronson, Director, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. 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:** Kristi R. Bronson, Director, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. The preliminary text and forms may also be found at <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

1S-2.047 State Campaign Matching Funds Program.

(1) Form of Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall complete Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions" (eff. \_\_\_\_\_), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Distribution of Funds. State matching funds shall be distributed to eligible candidates beginning on the 32nd day prior to the primary and every 7 days thereafter. The first distribution will be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election. Thereafter, distribution of funds will be based on reports as provided by Section 106.07(1)(b), F.S. Each distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with documentation provided by the candidate as set forth in paragraph (4) of this rule.

(3) Filing of Reports.

(a) A report of contributions received by a candidate who is eligible to receive state matching funds is timely if it is filed using the Division's electronic filing system no later than 12:00 noon, Eastern Time, on the date it is due. If a report is filed after 12:00 noon, Eastern Time, on the due date, the report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Reports of contributions filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete, or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be distributed in the next reporting cycle.

(c) If a candidate requesting matching funds submits a contribution report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(4) Documentation.

(a) Documentation for each contribution report must be received by the Division no later than 12:00 noon, Eastern Time, on the date the report is due. If documentation for such report is received by the Division after 12:00 noon, Eastern Time, on the due date, the documentation will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Documentation may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed contribution report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed contribution report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(c) In order to verify contributions, the Division must receive the following documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

3. For an in-kind contributions, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and

4. For a cash contribution, a copy of the bank deposit slip.

(d) Documentation that does not conform to the specifications in this paragraph will not be processed and the candidate will be notified by the Division. Upon supplying documentation that is in compliance with these specifications and verification by the Division, matching funds will be distributed in the next reporting cycle.

(5) Appeal. An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(6) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to

Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds" (eff. \_\_\_\_\_), upon qualifying for office.

(7) Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850)245-6240.

Specific Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented 106.30-36 FS. History–New \_\_\_\_\_.

*Editorial Note: This rule originated from former IS-2.017(2) and (3), dated 6-2-05.*

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF THE LOTTERY**

RULE NO.:                     RULE TITLE:  
53-1.007                         Internal Audit Function  
PURPOSE AND EFFECT: To update the existing language.  
SUBJECT AREA TO BE ADDRESSED: Internal audit function.

SPECIFIC AUTHORITY: 24.105(5) FS.  
LAW IMPLEMENTED: 20.055 FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 53-1.007 follows. See Florida Administrative Code for present text.)

53-1.007 Internal Audit Function.

The Florida Lottery will operate and maintain a system of internal audits as provided in Section 20.055, F.S.

Specific Authority 24.105(5)(6) FS. Law Implemented 20.055 FS. History–New 2-25-93, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-8.001	Purpose and Scope
63E-8.002	Definitions
63E-8.003	Youth Admissions
63E-8.004	Youth Intake
63E-8.005	Youth Orientation
63E-8.006	Quality of Life and Youth Grievance Process
63E-8.007	Youth Hygiene and Dress Code
63E-8.008	Facility and Food Services
63E-8.009	Behavior Management
63E-8.010	Residential Case Management
63E-8.011	Delinquency Intervention and Treatment Services
63E-8.012	Transfer, Release and Discharge
63E-8.013	Safety and Security
63E-8.014	Staff Training
63E-8.015	Program Administration

**PURPOSE AND EFFECT:** The rule chapter establishes the requirements for the administration and operation of residential expedition programs for juvenile offenders.

**SUBJECT AREA TO BE ADDRESSED:** The rule chapter governs the admission, intake, and orientation of youth to expedition programs, as well as the conditions and treatment in such programs. Standards governing safety and security, release, and administrative requirements are also specified.

**SPECIFIC AUTHORITY:** 20.316, 985.64, 985.601 FS.

**LAW IMPLEMENTED:** 985.03, 985.601(3), (8), 985.441 FS.

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

**DATE AND TIME:** Tuesday, January 27, 2009, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida

To arrange for participation by telephone contact: John Milla at (850)921-4129

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [john.milla@dji.state.fl.us](mailto:john.milla@dji.state.fl.us)

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

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE NO.:	RULE TITLE:
64H-2.002	Institutional Review Board Applications

**PURPOSE AND EFFECT:** The purpose of this rule is to provide an application mechanism and fee schedule for requesting Institutional Board review, pursuant to the provisions of Section 381.86(5), F.S.

**SUBJECT AREA TO BE ADDRESSED:** Institutional Review Board.

**SPECIFIC AUTHORITY:** 381.86 FS.

**LAW IMPLEMENTED:** 381.86(5) FS.

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

**DATE AND TIME:** Friday, January 16, 2009, 11:00 a.m. – 12:00 Noon (EST)

**PLACE:** Department of Health, 4030 Esplanade Way, 2nd Floor, Room 280N, 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 2 days before the workshop/meeting by contacting: Ronique Hall, (850)245-4444, x3927. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Ronique Hall, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin #A24, Tallahassee, FL 32399, (850)245-4444, x3927

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64H-2.002 Institutional Review Board Applications.

(1) Requests for Institutional Review Board review shall be submitted electronically using the Departments electronic system. Instructions are available at the following webpage: <http://FLpublichealthETHICS.net/instructions>. The website address is also available by contacting: Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

(2) A fee shall be charged for review of each study according to the following schedule: Initial Requests \$500, Amendments \$100, and Continuing Reviews \$500. Continuing Reviews submitted for the sole purpose of closing a study shall not be charged a fee. Requests for Continuing Review are due 60 days prior to study expiration. Studies that expire will be assessed an additional \$500 fee.

(3) Fees are due at the time a request for review is made. IRB determinations will not be granted until payment is received by the Department.

(4) Fees are nonrefundable, except if a fee is paid when none is due. Specific instructions on how to pay the fee are available at the website indicated in subsection (1).

(5) Fees do not apply to Department of Health employees, including contracted employees, or investigators conducting research involving human subjects at the request of the Department under a contract, memorandum of understanding, or similar agreement except when the sponsor makes an allowance for fees in the research contract. Fees are waived for any student who is a candidate for a degree at a university located in Florida.

Specific Authority 381.86 FS. Law Implemented 381.86(5) FS. History—New 9-2-08.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Cultural Affairs

RULE NOS.:	RULE TITLES:
IT-1.001	Division of Cultural Affairs
IT-1.031	Historical Museum Grants Application Requirements
IT-1.032	History Museums Application Review and Grant Administration

**PURPOSE AND EFFECT:** This amendment transfers the Historical Museums Grants-in-Aid Program from the management of the Division of Historical Resources to the Division of Cultural Affairs; it incorporates minor statutory changes to the program that became effective July 1, 2008 (as authorized by Section 265.708, Florida Statutes); and it incorporates recommendations made by the Historical Museums Task Force. In regard to the Cultural Support Grants Program, this amendment deletes the minimum funding amount of \$2,500. This amendment also deletes the Indemnity Grant Program (because it was repealed by the 2005 Legislature); this amendment establishes a funding amount for applicants for the Youth and Children’s Museums Program who request over \$50,000; and this amendment makes other changes affecting all grant programs of the Division as more fully described in the Summary below.

**SUMMARY:** This amendment incorporates the recommendations of The Historical Museums Taskforce in that it creates a two (2) year funding period, rather than annual one; it provides three (3) levels of funding categories, rather than two (2) for the General Program Support category; it provides for alternate years in which museums that request certain levels of funding will compete with each other for funding. This

amendment also establishes new eligibility criteria for the Historical Museum Grants-in-Aid Program and clarifies the eligibility criteria for multidisciplinary museums. This amendment deletes the Indemnity Grant Program because the program statutes were repealed (see former Sections 265.51 – 265.55, Florida Statutes). This amendment allows grantees who request over \$50,000 for the Youth and Children’s Museums Grant Program to request up to 10% of their last completed fiscal year’s revenue. In regard to all grant programs of the Division, this amendment prohibits funding for general “operating expenses” such as utilities, fixtures, bank fees, property taxes, etc., and requires that grant deadlines be posted on the Division of Cultural Affairs’ website, rather than in the Division’s online newsletter.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** There are no regulatory costs associated with this proposed rule. This amendment does not have an impact on small business.

Any person who wishes to provide information regarding the statement of regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.51, 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8), 265.708(3) FS.

**LAW IMPLEMENTED:** 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561, 265.708 (formerly 267.0619) 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:** Wednesday, January 24, 2009, 9:00 a.m.

**PLACE:** Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, 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 72 hours before the workshop/meeting by contacting: (850)245-6356 or Text Telephone 711. 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 RULES IS:** Scott Moore or Sarah Stage, (850)245-6470

**THE FULL TEXT OF THE PROPOSED RULES IS:**