

Section I

**Notices of Development of Proposed Rules
and Negotiated Rulemaking**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.041
RULE TITLE: FVRS Address and Records Maintenance

PURPOSE AND EFFECT: This is a second workshop scheduled this year to vet proposed rule language that codifies a number of practices and procedures evolving from statutory requirements relating to address list maintenance activities and voter registration records maintenance activities. These procedures are designed to ensure that the official list of registered voters in the Florida Voter Registration System is accurate and current as to the addresses and eligibility of registered voters.

SUBJECT AREA TO BE ADDRESSED: FVRS Address and Eligibility Records Maintenance Activities.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

LAW IMPLEMENTED: 98.035, 98.065, 98.0655, 98.075 FS.

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

DATE AND TIME: July 27, 2009, 2:00 p.m.

PLACE: Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at nshotwell@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, mimatthews@dos.state.fl.us.; Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0081
RULE TITLE: Charter Schools Financial Conditions

PURPOSE AND EFFECT: The purpose of the rule development is to establish procedures for developing financial recovery and corrective action plans, define and establish procedures for determining a deteriorating financial condition, and reference a monthly financial statement form that a charter school must complete and submit to its sponsor.

SUBJECT AREA TO BE ADDRESSED: Charter Schools Financial Condition.

RULEMAKING AUTHORITY: 1002.345(4) FS.

LAW IMPLEMENTED: 1002.345, 218.39, 218.503 FS.

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

DATES AND TIMES: Tuesday, July 21, 2009, 8:00 a.m. – 5:00 p.m.; Thursday, July 23, 2009, 8:00 a.m. – 5:00 p.m.; Tuesday, July 28, 2009; 8:00 a.m. – 5:00 p.m.

PLACES: July 21, 2009 – NOVA Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami Beach, Florida 33162

July 23, 2009 – Orlando Student Educational Center, 4850 Millenia Blvd., Room 213, Orlando, Florida 32839

July 28, 2009 – Florida Department of Education, 325 West Gaines Street, Suite 1703/1707, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0020
RULE TITLE: Charter School Capital Outlay

PURPOSE AND EFFECT: The purpose of this rule development is to review and clarify the process by which charter school capital outlay plans are approved by the Department of Education. The effect of the development will be a more clearly defined process. The rule will be consistent with Section 1013.62(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Definitions of “expanded feeder chain”, “satisfactory student achievement”, and “financial stability”.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1013.62(1) 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: July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call at (888)808-6959, Conference Code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0781 RULE TITLE: Procedures for Charter School Appeals

PURPOSE AND EFFECT: The purpose of this rule development is to align Rule 6A-6.0781, F.A.C., with statutory changes and practices of the Charter School Appeal Commission.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will align the current rule with statutory changes related to the charter school appeal process as outlined in Section 1002.33, Florida Statutes.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(6) 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:

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PLACE: Conference Call 1(888)808-6959, conference code 2450861

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Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, FL 32399-0400. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0781 Procedures for ~~Appealing a District School Board Decision Denying Application for~~ Charter School Appeals.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Sections 1002.33(6)(c), and 1002.33(8)(c) and (d), Florida Statutes, Chapter 96-186, Laws of Florida, shall be as follows:

(1) The district school board shall conduct a hearing that satisfies basic tenets of due process when deciding whether to reject a charter school application, terminate a charter, immediately terminate a charter, or non-renew a charter. The district school board shall ensure that a court reporter creates a record of the hearing so that the parties may order transcripts for appeal or other purposes.

~~(2)(4)~~ Within thirty (30) days after the date of a decision of a district school board denying which denies an application for a Charter School, non-renewing or terminating a charter, the appealing party applicant may file a written ~~notice of appeal~~ by submitting fifteen (15) hard copies of the appeal to with the Agency Clerk for the Department of Education, ~~in Room 1702, The Capitol, 325 West Gaines Street, Suite 1520, Tallahassee, Florida 32399-0400. A copy of the notice of appeal shall be sent via mail or hand delivery to the district school board, via the Superintendent, and to each member of the State Board of Education by the appealing party by the applicant on~~ date of filing with the Agency Clerk.

(a) ~~The notice of appeal must include: name and address of appealing party applicant; name and address of the district school board; date of the district school board decision; name and address of appealing party's applicant's attorney, if any; precise identification of alleged errors of the district school board in rejecting the Charter School application; and written argument limited to whether all grounds identified in the district school board's notice are supported by competent substantial evidence in the record below and whether such grounds constitute good cause. The appealing party may also raise due process as an issue specific alleged errors of the school board.~~

(b) ~~The Charter School application or charter contract, as applicable, together with available~~ transcripts of all meetings before the district school board in which the decision application was considered, and all documents considered by the district school board in making its decision shall be filed as exhibits to each party's written the notice of appeal, unless the

parties stipulate in writing to the exhibits and file the exhibits as a separate document with the appealing party's appeal. Within five (5) business days after request of the appealing party, the district school board shall provide the appealing party with copies of all documents considered by the district school board in making its decision.

(c) Within thirty (30) ~~ten (10)~~ days after receipt of the filing notice of appeal, the district school board shall file fifteen copies of with the Agency Clerk and submit to each member of the State Board of Education its written arguments to the Agency Clerk for the Department of Education. The written arguments are limited to whether all grounds identified in the district school board's notice are supported by competent substantial evidence in the record below and whether such grounds constitute good cause. If due process is raised as an issue, the district school board shall also provide a written response to the specific alleged errors of the school board.

(d) The charter school appeal commission will review only those grounds identified in the district school board's notice, and due process, if raised.

(e) Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any exhibit addendum. Information provided in an addendum shall be limited to the actual Charter School application presented to the local board and the transcripts of meetings of the local boards' actions. Information provided beyond the twenty (20) page maximum will not be discussed nor considered by the appeal commission. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes, and bound at the top left corner. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one inch at the top, bottom, left and right. All written arguments and exhibits must be bound with tabs for each exhibit with a table of contents detailing each section.

(f)(d) Failure to meet the requirements herein specified may cause rejection of the submission by the Agency Clerk State Board.

(g)(e) The Charter School application or charter contract, as applicable, transcripts of meetings before the district school board, and all documents considered by the district school board in making its decision, written arguments of the parties shall constitute the record on appeal.

(3)(2) Upon receipt of a timely filed notice of appeal by a Charter School applicant, in accordance with accelerated appeal time constraints as set forth in Chapter 96-186, Laws of Florida, the Commissioner of Education Agency Clerk shall convene immediately schedule the matter on the next public meeting agenda of the Charter School Appeal Commission

State Board of Education to be considered the within thirty (30) days after filing notice of appeal, with notice to the appealing party applicant and the district school board of that hearing date. The State Board of Education does not have jurisdiction to hear late-filed appeals.

(a) At the hearing before the Charter School Appeal Commission State Board of Education, each party will be given a maximum of twenty (20) ~~thirty (30)~~ minutes to allow representative(s) to summarize the written arguments previously submitted to the State Board. No evidence or testimony, only oral argument, will be heard by the Charter School Appeal Commission State Board, at this time.

(b) The Charter School Appeal Commission may question the parties. During these questions, the Charter School Appeal Commission may, in its discretion, gather other applicable information regarding the appeal and request information to clarify the documentation presented it.

(4)(3) Upon reviewing the record on appeal and hearing oral summaries of written arguments, if presented, and consideration of the answers to questions, if asked, the State Board shall then proceed by majority vote to either accept or reject the decision of the district school board and shall then remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the State Board's decision. Charter School Appeal Commission shall then proceed by majority vote to either accept or reject the decision of the district school board. If the Charter School Appeal Commission determines that due process was not provided and the failure to provide due process was not harmless error, then the appeal shall be remanded to the district school board for provision of due process.

(5) The Charter School Appeal Commission's recommendation, record on appeal, written arguments of the parties, and a copy of the Charter School Appeal Commission transcripts will be forwarded to the State Board of Education.

(a) The State Board of Education shall consider the appeal and the Charter School Appeal Commission's recommendation at the next scheduled State Board of Education meeting. Each party shall have five (5) minutes to summarize their arguments. The State Board of Education shall approve, deny or remand the appeal.

(6) Motions.

(a) Motions before the Charter School Appeal Commission or State Board of Education shall be filed with the Agency Clerk in the same format as required in paragraph (2)(e) of this rule, except that they are limited to two (2) pages. Motions shall include a statement that the movant has conferred with the other party, shall state whether such party has any objection to the motion, and shall certify that the other party has been served with a copy of the motion. If there is an objection, the other party may file a response, subject to the

same filing requirements as the motion, within three (3) business days of receipt of the motion, or the day before the hearing, whichever occurs first. Oral arguments shall not be requested, but may be scheduled in the discretion of the ruling entity.

(b) The Chair of the Charter School Appeal Commission shall rule upon motions for an extension of time to file an appeal, motions for a continuance of the hearing, motions to relinquish jurisdiction on the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal filed prior to the hearing date.

(c) The Commissioner of Education shall rule upon motions for a continuance of the appeal before the State Board of Education and motions to relinquish jurisdiction on the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal.

Rulemaking Specific Authority 1002.33(24) 229.053(1) FS., Chapter 96-186, Laws of Florida. Law Implemented 1002.33(6), 1002.335 FS. Chapter 96-186, Laws of Florida. History-New 2-2-97, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0784
 RULE TITLE: Approval of Charter School Governance Training

PURPOSE AND EFFECT: The purpose of this rule development is to revise and improve the process by which charter school governance training plans are approved by the Department and to ensure consistency with Section 1002.33(9)(k), F.S.

SUBJECT AREA TO BE ADDRESSED: Charter School Governance Training.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(9)(k) 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: Monday July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call (888)808-6959, conference code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0784 Approval of Charter School Governance Training.

The following provisions are established for the approval of charter school governing board training submitted to the Florida Department of Education for approval pursuant to Section 1002.33, F.S.

(1) General training requirements.

(a) Beginning with the effective date of this rule, every member of the governing body of a charter school operating in Florida shall participate ~~annually~~ in governance training ~~on or before August 1 of each calendar year. The charter school governance training must meet the requirements of this rule and be approved by the Department. Governing boards composed entirely of “school officers”, as defined by Section 1012.01, F.S., may meet the requirements of this rule by complying with the procedures set forth in subsection (6) of this rule. The training must be delivered consistent with a training plan that has been submitted and approved by the Department as described in this rule.~~

(b) ~~Each governing board member must complete Training for charter school governing boards with one or more members who have had no previous board service or have served on the board for less than ninety (90) days must include a minimum of four (4) hours of instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility as specified in Section 1002.33(9)(k), F.S. After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period thereafter, to complete a two (2) hour refresher training on the four (4) topics above in order to retain his or her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.~~

(c) ~~New members joining a charter school board must complete the four (4) hour training within 90 days of their appointment to the board. A minimum of two (2) hours of refresher instruction on the four (4) topics in Section 1002.33(9)(k), F.S., may be offered if a charter school’s governing board is composed entirely of members who have served continuously on the school’s board for ninety (90) days or more, and all board members have completed four (4) hours of instruction as described in paragraph (1)(b) of this rule.~~

(d) Instruction beyond the hours specified in paragraphs (1)(b) and (c) of this rule may be included in the training plan to address additional topics generally recognized and supported by research or practitioners as important for effective governing board operation.

(e) Each charter school is responsible for contracting with or providing a trainer who delivers governance training consistent with a governance training plan that has been approved by the Department.

(2) No change.

(3) Submission and review of training plans.

(a) Potential training providers shall complete Form IEPC-9, Charter School Governance Training, Training Plan Approval Application, for submitting a charter school governance training plan for review and approval. Form IEPC-9 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) After completing and signing the form, a training provider seeking approval must submit the original and three (3) five (5) copies of the form, or an original and an electronic copy on a CD saved as a PDF file, to the Office of Independent Education and Parental Choice as described on the form. The Department will conduct two review periods each year, with deadlines for submitting applications on or before May 1 and on or before October 1. This requires that all applications and supporting documentation must be received by the Department on or before these dates.

(c) The Commissioner of Education shall appoint a review committee team to review charter school governance training plans. The review team shall be ~~appointed by the Commissioner of Education~~ and composed of individuals with knowledge in education, finance, governance, and law. A training plan submitted for approval to the Department will be reviewed within thirty (30) days of the deadlines listed in paragraph (3)(b) of this rule of receipt to determine compliance with the components identified in paragraph (2)(b) of this rule.

(d) The review team's findings will be consolidated and provided as recommendations to the Commissioner or designee. Using the recommendations of the review team committee, the Commissioner shall determine if the provider has met the criteria for approval or denial. Within ten (10) working days following the Commissioner's determination, the Department shall send a written notification to the proposed provider regarding the outcome of the training plan review.

(e) The names of training providers whose training plans have been approved to meet requirements of Section 1002.33(9)(k), F.S., will be posted on the Department's website at <http://www.floridaschoolchoice.org> and will be available in hard copy upon request to the Office of Independent Education and Parental Choice. ~~Governance training that was delivered between January 1, 2008, and the~~

~~effective date of this rule will be considered to have met statutory requirements if it was delivered pursuant to a training plan subsequently approved by the Department and reported as described in subsection (5) of this rule.~~

(f) A notice of denial ~~of approval~~ shall be sent to proposed training providers who submitted plans that do not comply with the components identified in paragraph (2)(b) of this rule. The notice of denial will identify specific areas of program weakness that must be corrected prior to reconsideration for approval. The provider may correct the application and resubmit on the next available submission deadline outlined in paragraph (3)(b) of this rule ~~shall have sixty (60) days after receipt of the notice of denial to resolve any outstanding issues, including submission of a revised training plan for reconsideration and review pursuant to paragraphs (3)(b), (c) and (d) of this rule. If issues with the training plan have not been resolved within sixty (60) days after receipt of the original notice of denial or any subsequent notice of denial following reconsideration of the revised training plan, whichever is later, the application for approval shall be administratively closed. After sixty (60) days from the date the application is administratively closed, a new training plan may be submitted to the Department as described in paragraphs (3)(a) and (b) of this rule.~~

(4) Length of approval and renewal of training plans.

(a) Each approval or extension shall be granted for a period of time determined by the Department of Education, but shall not exceed two (2) years from the date of approval.

(b) No earlier than six (6) months prior to the expiration of approval, a training provider may submit a request for renewal of an approved training plan by completing and submitting Form IEPC-10, Charter School Governance Training, Application to Renew an Approved Training Plan. Form IEPC-10 is hereby incorporated by reference to become effective with the effective date of this rule and will be available electronically on the Department's website at <http://www.floridaschoolchoice.org> or may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) A request for training plan renewal submitted for approval to the Department will be reviewed within thirty (30) days of receipt to determine continued compliance with the components identified in paragraph (1)(b) and (2)(b) of this rule. Within ten (10) working days following the Commissioner's determination, the provider will be notified in writing of the Department's decision to renew the plan or not to renew. If a training plan is not renewed, a provider may submit a new training plan to the Department as described in paragraphs (3)(a) and (b) of this rule.

(5) Report of governing board training.

(a) Each training provider offering an approved training program in accordance with this rule shall submit a report of each governing board's training to the Department and a copy of the report to the charter school director within thirty (30) days of the training. The charter school director is responsible for providing a copy of the report to the school's sponsor within ~~ten (10)~~ thirty (30) days of receiving the report from the trainer.

~~(b) Information to be reported shall include the name of the charter school governing board and individual members who received training, the date and location of the training, and whether or not the training objectives were achieved.~~ The report shall be submitted using the IEPC-11 form. Form IEPC-11 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's Web site. The report shall be submitted electronically to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Each training provider offering an approved charter school governance training program shall provide a certificate of participation to every governing board member who completes the training and achieves the training objectives as stated in the training plan.

(6) A charter school governing board composed entirely of "school officers" as defined in Section 1012.01, F.S., may comply with the requirements of this rule by providing documentation that they have received charter school governance training consistent with this rule. Documentation of charter school governance training shall be submitted to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, and must include:

(a) Date and location of charter school governance training received.

(b) Name, contact information, qualifications, and experience of all persons actively involved in providing charter school governance training.

Rulemaking Specific Authority 1002.33(24) FS. Law Implemented 1002.33(9)(k) FS. History--New 7-21-08, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0785
 RULE TITLE: Charter School Applicant Training Standards

PURPOSE AND EFFECT: The purpose of the rule development is to codify Department standards for charter school applicant training and establish a procedure for charter school sponsors to demonstrate that their training standards meet or exceed the Department's standards.

SUBJECT AREA TO BE ADDRESSED: Charter school applicant training standards.

RULEMAKING AUTHORITY: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33(6)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0786
 RULE TITLE: Model Forms for Charter School Applicants and Sponsors

PURPOSE AND EFFECT: The purpose of the rule development is to reference and implement the model application form, evaluation instrument, charter format, and charter renewal format developed by the Department.

SUBJECT AREA TO BE ADDRESSED: Charter school model application, evaluation tool, charter format, and charter renewal format.

RULEMAKING AUTHORITY: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33(6)(a), (b), (21)(a), (26) FS.

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

DATES AND TIMES: July 21, 2009, 8:00 a.m. – 5:00 p.m.; July 23, 2009, 8:00 a.m. – 5:00 p.m.; July 28, 2009, 8:00 a.m. – 5:00 p.m

PLACES: July 21, 2009 – Nova Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami, Beach, FL 33162

July 23, 2009 – Orlando Student Educational Center, 4850 Millenia Blvd., Room 213, Orlando, Florida

July 28, 2009 – Florida Department of Education, 325 West Gaines Street, Room 1703/1707, Tallahassee, FL 32399-0400

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DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0787
 RULE TITLE: Ballot Process for Teacher and Parent Voting for Charter School Conversion Status

PURPOSE AND EFFECT: The purpose of the rule development is to establish a ballot process by which teachers and parents may vote to support the conversion of their public school to charter school status.

SUBJECT AREA TO BE ADDRESSED: Ballot process for teacher and parent voting for charter school conversion status.

RULEMAKING AUTHORITY: 1002.33(3)(b) FS.

LAW IMPLEMENTED: 1002.33(3)(b) FS.

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PLACES: July 21, 2009 – Nova Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami, Beach, FL 33162

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July 28, 2009 – Florida Department of Education, 325 West Gaines Street, Room 1703/1707, Tallahassee, FL 32399-0400

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DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0788
 RULE TITLE: Notice Requirements for Charter School Performance Data

PURPOSE AND EFFECT: The purpose of this rule development is to outline the manner in which charter schools, that serve at least ten (10) students who are tested on the statewide assessment and who do not receive a school grade or school improvement rating, will provide student performance data to the required recipients.

SUBJECT AREA TO BE ADDRESSED: Definitions of “expanded feeder chain”, “satisfactory student achievement”, and “financial stability”.

RULEMAKING AUTHORITY: 1002.33(21)(b)1.b. FS.

LAW IMPLEMENTED: 1002.33(21) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0970
 RULE TITLE: John M. McKay Scholarship for Students with Disabilities Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to clarify and establish specific participation adherence for parents and private schools as related to the John M. McKay Scholarship program by requiring a signed parent affidavit affirming parental compliance with the program. In addition, the rule will clarify private school requirements related to the return of scholarship funds and allow the Department the authority to conduct private school on-site inspections, as appropriate, in conjunction with a formal complaint and refer an inquiry to the Office of Inspector General with the Department at any point. The effect will be a rule amendment which will further strengthen the Departments administration and implementation of the program.

SUBJECT AREA TO BE ADDRESSED: Administrative requirements for parental participation, return of scholarship funds received erroneously by the provider, Departmental authority to conduct private school on-site inspections at the Department's discretion, and the requirement of a signed notarized parent affidavit asserting knowledge and compliance with the McKay Scholarship Program.

RULEMAKING AUTHORITY: 1002.39 FS.

LAW IMPLEMENTED: 1002.39 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: July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call at (888)808-6959, conference code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael D. Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, F.S., in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

(5)(a) through (b) No change.

(c) The following requirements must be met to qualify for a scholarship payment:

1. The notice of intent, described in subsection (1) of this rule, must be filed sixty (60) days before the first scholarship payment. This is a one-time requirement that applies to scholarship students entering the program for the first time, and no payment can be earned until such time as the notice requirement has been met.

2. A student must have an enrollment date thirty (30) days before the first scholarship payment is made. The submission of the school and student fee schedules are required to establish the enrollment date and are completed using the Department's website. A student that changes private schools after meeting the enrollment date requirement may still qualify for payment for that payment period.

3. All parents of participating students must have on file with the Department a signed, notarized affidavit form, provided by the Department, affirming that the parent understands and agrees to uphold the responsibilities of the parent and the student as outlined in Section 1002.39(9), F.S., including restrictive endorsement of the scholarship warrants.

~~4.3.~~ A student must not be enrolled in a public school or violate any of the prohibitions found in Section 1002.39(3), F.S.

~~5.4.~~ The private school must verify each student's continued enrollment and attendance using the Department's website three (3) times per year before the November, February, and April scholarship payments. Failure to verify a student's continued enrollment and attendance will result in a delayed payment until the next payment period. To receive payment at that time, the private school must verify student attendance for the delayed payment's payment period and, if the student is still enrolled in the program, for the current payment period.

(d) Private schools are responsible for the return of all scholarship funds to the Department that were received in error, including: for students that were not in attendance, or for services listed on a student's fee schedule that were not provided. If the Department identifies scholarship funds that should be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, ~~and~~ the procedure to be followed if the private school believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds. The Department's letter may also require the school to provide an explanation for how the private school claimed funds that were erroneously obtained and, if so, shall state that a failure to file a response within the specified time is deemed to be an admission of the allegations in the letter.

1. Private school shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the private school to any funds still due and a timeframe for the return of those funds. The response shall give the private school or parent at least twenty (20) additional days to repay the funds.

3. Failure to return the funds due back to the Department, or failure to provide an explanation for how the school claimed funds that were erroneously obtained, within the time period allotted shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.39(7), F.S., and this rule. In order to ensure that scholarship payments are received on the scheduled payment date, any funds requested by the Department must be

received at least twenty (20) days prior to the upcoming scheduled payment date. Otherwise scholarship payments will be delayed until the subsequent scholarship payment date.

4. The Department may choose not to issue scholarship payments to students enrolled in a private school that owes funds it erroneously obtained.

(e) Where a scholarship student attends multiple private schools or a private school and the public school in the same payment period, the right to retain the scholarship payment shall be given to the first private school the student attends for ten (10) or more school days during that payment period. If the student does not attend a private school for at least ten (10) days and attends a public school, then the funding generated, if any, shall be retained by the school district and no scholarship payment shall be generated.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must be made by June 1 of the fiscal year in which the scholarship payment was originally due.

(6) through (8) No change.

(9) Inquiry process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department. The letter shall state that a failure to file a response within the specified timeframe is deemed to be an admission of the allegations made in the formal complaint.

(b) Failure to respond to a letter of inquiry in a timely manner by:

1. A parent, then the Department shall determine the effect on ~~notify the parent that the parent's failure to respond to the letter of inquiry is deemed to be an acceptance of the allegations made in the formal complaint and may affect student eligibility.~~

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate ~~a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.~~

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, ~~or~~ school district or conduct a site audit/inspection as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the parent of any violation of laws or rules committed and any effect it will have on student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point in the process set forth in this rule, refer an inquiry to the Department's Office of Inspector General or another appropriate agency for full investigation.

(e) Notwithstanding any other provision of this rule, the Commissioner may at any point before or during the inquiry process exercise the authority given under Section 1002.39(7), F.S., ~~and this rule to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.~~

Rulemaking Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History--New 1-18-07, Amended 4-21-09,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of sales and use tax.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12A-13.002 Collection and Remittance of Fee

PURPOSE AND EFFECT: Tax collectors are required to report and remit taxes and fees electronically to the Department using the Tax Collector Revenue Remittance System and no longer use Form DR-35 (Motor Vehicle Warranty Remittance Fee Report) to report the fee. Form DR-35 continues to be used by private tag agencies reporting the fee and by motor vehicle dealers reporting the fee on vehicles sold or leased in Florida for titling or registration in another state. The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to: (1) adopt revisions to Form DR-35 to update the instructions; and (2) update the information on how to obtain copies of the form from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to Form DR-35 used by the Department in the administration of the motor vehicle warranty fee.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12A-16.008 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

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

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-17.005 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Effective October 1, 2009, Chapters 2009-158 and 2009-162, L.O.F., require mail-in secondhand precious metals dealers to register with the Department of Revenue prior to regularly engaging in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions or to contract with others to buy precious metals in the same manner. The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department to register secondhand dealers and secondary metals recyclers to include mail-in secondhand precious metals dealers.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the requirements imposed on persons to obtain a certificate of registration as a mail-in secondhand precious metals dealer.

RULEMAKING AUTHORITY: 213.06(1), 538.11, 538.37 FS.

LAW IMPLEMENTED: 538.09, 538.11, 538.25, 538.26, 538.31, 538.32, 538.37, 538.36, 539.002 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.100 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) 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: July 28, 2009, 10:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department’s Internet site at myflorida.com/dor/rules

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003
 RULE TITLE: Public Use Forms
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of documentary stamp tax.
 SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the documentary stamp tax.
 RULEMAKING AUTHORITY: 201.11, 213.06(1) FS.
 LAW IMPLEMENTED: 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.12, 201.133 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: July 28, 2009, 10:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.
 SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.
 RULEMAKING AUTHORITY: 206.14(1), 206.59(1), 213.06(1) FS.
 LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 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: July 28, 2009, 10:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.004	Rate of Tax; Oil, Gas and Sulfur
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2009, Section 2, Chapter 2009-139, L.O.F., imposes new tax rates on oil produced by tertiary methods in Florida.

The purpose of the proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur), is to include the new tax rates imposed on oil produced by tertiary methods in Florida.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to: (1) include the tax rates imposed by Chapter 2009-139, L.O.F., on the production of oil reported on Forms DR-145 and DR-145X; and (2) update the tax rates imposed by Sections 211.025 and 211.026, F.S., on the production of gas and sulfur reported on Forms DR-144 and DR-144ES for calendar year 2010.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to update the tax and surtax rates imposed by Section 211.3101, F.S., on the severance of phosphate rock reported on Forms DR-142 and DR-142ES for calendar year 2010.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the reporting and remitting of the new tax rates for tertiary oil in Florida imposed by Section 2, Chapter 2009-139, L.O.F.; and (2) tax and surtax rate changes imposed by Sections 211.025, 211.026, and 211.3101, F.S.

RULEMAKING AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.026, 211.04, 211.075, 211.076, 212.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: French Brown, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.003	Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed adoption of changes to forms used by the Department in the administration of the insurance premium tax.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F.

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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

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

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the corporate income tax.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical

Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

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

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on government leasehold estates.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the intangible tax.

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

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 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."

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.033
 RULE TITLE: Standards for Nonpartisan Voter Education

PURPOSE AND EFFECT: The purpose of the rule is to satisfy the requirement to provide minimum standards for county supervisors of elections to implement regarding nonpartisan voter education. The proposed revisions reflect the Department of State's review of best trends and practices associated with voter education programs and activities reported by county Supervisors of Election in the last couple of general election years. The revisions emphasize expanding use and reliance on the Internet as a primary medium for public access and dissemination of election information.

SUMMARY: The proposed revisions provide updated minimum standards for nonpartisan voter education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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), 98.255 FS.

LAW IMPLEMENTED: 98.255 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: August 3, 2009, 1:00 p.m.

PLACE: Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at nshotwell@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, mimatthews@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.033 Standards for Nonpartisan Voter Education.

(1) Voter Guide. The cCounty supervisors of elections shall create a vVoter gGuide as part of their nonpartisan voter and voting education efforts.

(a) A The vVoter gGuide must shall include the following information:

1. How to register to vote including how to register by mail.
 2. Where to obtain voter registration applications ~~are available.~~
 3. ~~How to register by mail;~~
 - 3.4. Dates for upcoming elections and early voting periods.
 - 4.5. Registration deadlines for the next primary and general election.
 - 5.6. How voters can should update their voter registration information such as changes in name, address or party affiliation.
 6. How voters can update their signatures and why is it important to keep the signature current.
 7. Information on how to obtain, vote and return an absentee ballot.
 8. The Voter's Bill of Voters' Rrights and Rresponsibilities pursuant to Section 101.031, F.S.
 9. Polling information including what times the polls are open, what to bring to the polls, the list of acceptable IDs, and what to expect at the polls including when the voter may vote a provisional ballot.
 10. What it means for Florida to be a closed Primary Election state.
 11. Information on how voter information cards are issued when there is a change in polling place or precinct.
 - 12.40. Instructions on the county's particular voting system.
 - 13.41. Supervisor's contact information, ~~and~~
 14. Supervisor's website address.
 - 15.42. Any other information the supervisor deems important.
- (b) Alternatively, the supervisor of elections can use and supplement the Department of State's Voter Guide to satisfy the requirements of paragraph (a).