

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:	RULE TITLES:
9J-5.003	Definitions
9J-5.006	Future Land Use Element
9J-5.010	Housing Element
9J-5.013	Conservation Element
9J-5.019	Transportation Element

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to implement the new requirements established by Chapter 2008-191, Laws of Florida (CS/HB 697), and related requirements established by Chapter 2009-96 (CS/CS/SB 360), Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Rule 9J-5, F.A.C., is to be amended to establish minimum criteria to be used in reviewing comprehensive plans to determine whether they comply with the new requirements of Chapters 2008-191 & 2009-96, Laws of Florida, regarding energy efficient land use patterns accounting for existing and future electric power generation and transmission systems, greenhouse gas reduction strategies, strategies to address reduction in greenhouse gas emissions from the transportation sector, factors that affect energy conservation, depicting energy conservation on the future land use map series, energy efficiency in the design and construction of new housing, the use of renewable energy resources, the discouragement of urban sprawl, the achievement of healthy, vibrant urban centers, and strategies to support and fund mobility within certain transportation concurrency exception areas.

RULEMAKING AUTHORITY: 163.3177(9), (10) FS.

LAW IMPLEMENTED: 163.3177(6)(a), (b), (d), (f), (j), 163.3180 FS. (only as those sections were amended by Chapters 2008-191 & 2009-96, Laws of Florida).

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

DATE AND TIME: January 29, 2010, 10:00 a.m.

PLACE: Florida Department of Transportation, District 4 Auditorium, 3400 W. Commercial Blvd., Ft. Lauderdale, Florida 33309-3421

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: Sheri Coven, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1681. 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 Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT: <http://www.dca.state.fl.us/fdcp/dcp/Legislation/2008/Files/DraftRules.pdf>

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:	RULE TITLES:
9J-11.004	Submittal Requirements for Proposed Local Government Comprehensive Plans
9J-11.006	Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments
9J-11.009	Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment
9J-11.011	Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review
9J-11.012	Compliance Review and Notice of Intent
9J-11.015	Submittal Requirements for Adopted Amendments that Are Exempt from State and Regional Review
9J-11.019	Action to Require Local Government to Submit Land Development Regulations for Review
9J-11.021	Action if Local Government Has Failed to Adopt the Required Land Development Regulations

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revisions of Chapter 9J-11, F.A.C., pertaining to comprehensive plan amendments exempt from the twice per calendar year limitation on the adoption of comprehensive plan

amendments. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for amendments that are exempt from State and regional review. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for evaluation and appraisal reports and appraisal report-based amendments.

RULEMAKING AUTHORITY: 163.3177(9), 163.3202(5) FS. LAW IMPLEMENTED: 163.3167(2), (3), 163.3175(2), (3), (4), 163.3177(1), (3), (4), (6), (7), (9), (10), (12), (13), (14), 163.3184(1), (2), (3), (4), (5), (6), (7), (14), (15), (16), (17), (18), 163.3187(1), (2), (5), (6), 163.3189, 163.3191, 163.3202, 369.321(5), 163.3146(9), 380.06(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:

DATE AND TIME: January 25, 2010, 9:00 a.m.

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

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

(c) The comprehensive plan including goals, objectives, policies, maps in color format, and support documents which include data and analyses specified in Rule 9J-5.005, F.A.C. Summaries of support documents may be submitted consistent with subsection 9J-5.005(2), F.A.C.;

(d) In the event the local government does not include all of the goals, objectives, policies, maps in color format, and support documents which include data and analyses required by Chapter 9J-5, F.A.C., in its submittal, it shall include a list identifying all omitted items and the reason for each omission.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1), (4)(b), (7), (9), 163.3184(2), (3), (14), (15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05, 4-17-06,_____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) The local government shall submit three copies of each proposed amendment, of which at least one copy shall be paper and up to two copies may be on CD ROM in Portable Document Format (PDF), including applicable supporting

documents which include data and analyses directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy directly to the appropriate agencies list in subsection 9J-11.009(6), F.A.C. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph 9J-11.006(1)(a)7., F.A.C., below, shall be consolidated into a single submission for each of the two plan amendment adoption ~~dates~~ times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, F.S., shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, F.A.C., must be followed. For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 7.g. No change.

~~h. An amendment that changes the schedule in T~~ the capital improvement element annual update required by Section 163.3177(3)(b)1., F.S., and any amendments directly related to the schedule pursuant to Section 163.3187(1)(f), F.S.;

i. through p. No change.

~~q. An amendment adopting a boating facility siting plan or policy pursuant to Section 380.06(24)(k)1., F.S.;~~

r. through u. renumbered q. through t. No change.

~~v. An amendment to the capital improvements element to update the schedule of capital improvements on an annual basis pursuant to Section 163.3177(3)(b)1., F.S.;~~

~~w. An amendment to the capital improvements element other than an update to the schedule of capital improvements pursuant to Section 163.3177(3)(b)2., F.S.;~~

~~u.x.~~ No change.

~~v.y.~~ An amendment that is intended to designate an urban service boundary meeting the criteria of Section 163.3177(14), F.S., pursuant to Section 163.3177(14)(c)(b), F.S.;

z. through cc. renumbered w. through z. No change.

aa. An amendment to incorporate the interlocal service boundary agreement pursuant to Sections 171.203(6)(f), 171.203(9), and 171.203(11)(c), F.S.

bb. An amendment to incorporate recreational surface water use policies pursuant to Section 163.3177(6)(g)2., F.S.;

cc. An amendment that is related to an affordable housing density bonus pursuant to Section 420.615(5), F.S.;

dd. An amendment adopting a transportation concurrency backlog plan pursuant to Section 163.3182(4)(b), F.S.;

ee. An amendment that is consistent with the local housing incentive strategies identified in Section 420.9076, F.S., pursuant to Section 163.3187(1)(p), F.S.;

ff. An amendment to implement a Community Workforce Housing Innovation Pilot Program consistent with Section 420.5095, F.S., pursuant to Section 420.5095(9), F.S.;

gg. An amendment to establish public school concurrency pursuant to Section 163.3180(13), F.S., as specified in Section 163.3187(1)(j), F.S.;

hh. An amendment to adopt a municipal overlay pursuant to Section 163.3217(2)(b)2., F.S.

ii. An amendment to designate an urban service area as a transportation concurrency exception area under Section 163.3180(5)(b)2., or 3., F.S. pursuant to Section 163.3187(1)(q), F.S.

8. through 10. No change.

(b) The proposed amendment package shall include all proposed text in a strike through and underline format or similar easily identifiable format, maps in color format and support documents which includes data and analyses, ~~as reflected on new pages of the affected element in a strike through and underline format or similar easily identifiable format identifying the plan amendment number on each page affected.~~ In the case of future land use plan map amendments, the following additional information must be provided:

1. Future land use map(s) in color format depicting the following information:

a. through 5. No change.

(c) through (3) No change.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(3), (6), (9), (13), (14), 163.3184(1), (2), (3), (15), (17), (18), 163.3187(1), (2), (5), 163.3191, 369.321(5), 380.06(6) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06,_____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (5) No change.

(6) The local government shall transmit three copies of plans, parts of plan, or plan amendments of which at least one copy shall be paper and up to two copies may be on CD ROM in Portable Document Format (PDF) to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:

(a) through (7) No change.

(8) Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

(a) Pursuant to Section 163.3177(3)(b)1., F.S., future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update by December 1 each year beginning 2011 2007, except a local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.;

(b) No change.

~~(e) Pursuant to Section 163.3177(12)(j), F.S., amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement by December 1, 2008;~~

(d) through (e) renumbered (c) through (d) No change.

~~(e)(f) Pursuant to Section 163.3191(10), F.S., no amendment may be adopted if the local government has failed to timely adopt and transmit the evaluation and appraisal report-based amendments after July 1, 2006; and~~

(g) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.009(8)(a) through ~~(e)(f)~~, F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government. In order to secure review thereafter, the local government may readopt and resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12), 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS. History–New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06,_____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (5)(a)5.e. No change.

f. If package contains a future land use map amendment adopted after December 1, 2011 2007, a statement indicating the date that the annual capital improvement element update has been adopted and submitted along with the summary of de minimis impact records.

6. through (b)1. No change.

2. In the case of a future land use map plan amendment, the adopted future land use map in color format reflecting the changes made when adopted. The map amendments shall be submitted on maps that indicate the ordinance number and date of each amendment update. Also, it is not mandatory that completely reprinted future conditions maps be provided unless major, jurisdiction-wide changes are made. Appropriately labeled and cross-referenced maps may be acceptable;

3. through 5. No change.

~~6. Copies of the comprehensive plan pages that contain the newly adopted comprehensive plan amendments replacing the existing comprehensive plan pages in a manner that will update the plan and incorporate all plan amendments. To avoid reprinting all pages in the plan, it is permissible to number pages that contain additions or deletions to be inserted in the plan with the appropriate page number followed by decimals or~~

~~some other equivalent sub-numbering system. These pages shall include the amendment ordinance number and adoption dates.~~

~~7. A new cumulative table of contents that includes all comprehensive plan amendments shall be submitted with each plan amendment package, and it shall indicate the revision date and ordinance numbers. The table of contents page(s) shall include the most recent amendment date.~~

(6) through (8)(a) No change.

(b) If the amendment is adopted to meet the annual update of the schedule or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule pursuant to Section 163.3177(3)(b), F.S., the local government must submit a copy of the executed ordinance, the amendment in strike thru and underline format, and a summary of the transportation concurrency de minimis impact records pursuant to Section 163.3180(6), F.S. The schedule must identify each year in fiscal year format. In the event local government does not grant exceptions for de minimis impact, an information statement indicating no records were included in the transmittal package must be submitted.

(9) through (10) No change.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(3), (9), 163.3184(1)(b), (2), (6), (7), (15), (16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (a) No change.

(b) In compliance or not in compliance within 45 calendar days after receipt of the complete adopted amendment, unless the amendment is the result of a compliance agreement entered into pursuant to Section 163.3184(16), F.S., in which case the time period for review and determination is 30 calendar days. The review period shall run from the determination of completeness pursuant to subsection 9J-11.012(1), F.A.C. If the Department did not, and was not, requested to review the proposed plan or plan amendment, the Department’s review must be based solely on the adopted plan or plan amendment.

(2) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection 9J-11.012(1), F.A.C., the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Section 163.3177, F.S., ~~when local government adopts an educational facilities element~~, Sections 163.3178, 163.3180, 163.3191, and 163.3245, F.S., the state comprehensive plan,

the appropriate strategic regional policy plan, or Chapter 9J-5, F.A.C., and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) through (g) No change.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8), (9), (10) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01, 11-24-02, 4-17-06,_____.

9J-11.015 Submittal Requirements for Adopted Amendments that Are Exempt from State and Regional Review.

(1) through (a)4.f. No change.

(b) The adopted amendment package shall include:

1. One copy of the future land use map in color format depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network;

2. through 4. No change.

5. A completed copy of Form RPM-BSP-Exempt Review, Form No. RPM-BSP-Exempt-1, effective_____ ~~4-17-06~~, incorporated by reference with the amendment. Copies of Form RPM-BSP-Exempt Review may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team and from the Department’s web site.

(2) No change.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3184(17), (18), 163.3187, 163.3246(9)(a) FS. History–New 11-10-93, Amended 11-6-96, 4-8-99, 6-30-05, 4-17-06,_____.

9J-11.019 Action to Require Local Government to Submit Land Development Regulations for Review.

(1) No change.

(2) The Department shall consider that reasonable grounds exist only if the ~~Chief, Bureau of Local Planning~~, Department of Community Affairs, Division of Community Planning, has received a letter stating facts which show that the local government has completely failed to adopt one or more of the regulations required by Section 163.3202(2), F.S., within one year after submission of its revised comprehensive plan for review pursuant to Section 163.3167(2), F.S., or if the Department has received a letter stating facts which show that

the local government has totally failed to adopt one or more of the regulations required by Section 163.3202, F.S. The letter shall include the name, address, telephone number and signature of the sender and shall provide any relevant background documentation and specific reasons for the assertion that the required regulations have not been adopted.

(3) If the Department has reasonable grounds to believe that a local government has completely failed to adopt one or more of the land development regulations required by Section 163.3202, F.S., the Department shall mail a certified letter, return receipt requested, to the chief local elected official requiring the local government to transmit two copies of whatever land development regulations have been adopted, including regulations of other agencies if incorporated into the local government's development approval system, to the ~~Chief, Bureau of Local Planning,~~ Department of Community Affairs, Division of Community Planning ~~and Management,~~ within 30 calendar days from receipt of the letter from the Department. The land development regulations submitted must include copies of any separate adopting or enabling legislation. All copies of regulations and legislation must be certified as true and correct copies of the originals by the city or county clerk.

(4) If the local government has not adopted the required land development regulations, it shall send a letter to the ~~Chief, Bureau of Local Planning,~~ Department of Community Affairs, Division of Community Planning ~~and Management,~~ within 30 calendar days from receipt of the letter from the Department indicating that the regulations have not been adopted. The letter shall state what actions the local government has already taken to develop and adopt the required regulations and shall include a schedule approved by formal action of the local governing body for adoption of the regulations. The schedule must provide for the adoption of the required regulations within 120 calendar days from receipt of the Department's initial letter requesting copies of the regulations unless the Department agrees to refrain from taking further action for an additional period of time during the 120 day period. If the local government requests that the Department refrain from taking further action, the Department will respond to that request within 14 calendar days of receipt of the request. The Department shall not agree to refrain from taking further action for an additional period of time unless there is substantial evidence that the local government is unable to adopt the regulations within the 120 day period.

(5) No change.

Rulemaking Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended 4-8-99, 11-24-02,_____.

9J-11.021 Action if Local Government Has Failed to Adopt the Required Land Development Regulations.

(1) through (2) No change.

(3) The local government shall have 90 calendar days from receipt of the Department's notification letter to adopt the required regulations, unless the Department agrees to refrain from taking further action for an additional period of time during the 90 day period. If the local government requests that the Department agree to refrain from taking further action for an additional period of time, the Department will respond to that request within 14 calendar days of receipt of the request. Every request that the Department refrain from taking further action must include a schedule approved by formal action of the local government that provides for the adoption of the required regulations during the extension period. The Department shall not agree to refrain from taking further action for an additional period of time unless there is substantial evidence that the local government is unable to adopt the regulations within the 90 day period. Upon adoption, the local government shall submit two copies of the required regulations, including copies of any separate adopting or enabling legislation, to the ~~Chief, Bureau of Local Planning,~~ Department of Community Affairs, Division of Community Planning. All copies of regulations and legislation must be certified as true and correct copies of the originals by the city or county clerk.

(4) through (6) No change.

Rulemaking Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended 4-8-99,_____.

DEPARTMENT OF REVENUE

RULE NO.: 12-19.005
 RULE TITLE: Confidentiality of Reports; Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-19.005, F.A.C. (Confidentiality of Reports; Disclosure of Information), is to: (1) clarify that when the Department receives a written request for a report of large currency transactions from a federal, state, or local law enforcement agency or a prosecutorial agency, the Office of Financial Regulation, or the Department of Financial Services, the Department is authorized to provide the report, or the information contained within it, to the requesting agency; (2) update the information on where these agencies may submit a written request for reports of large currency transactions that are filed with the Department; and (3) removes the provision regarding the access to reports of large currency transactions by agents or employees of the Department that is redundant of subsection 12-22.003(1), F.A.C.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the clarification regarding the confidentiality of reports of large currency transactions that are filed with the Department.

RULEMAKING AUTHORITY: 896.102(3) FS.

LAW IMPLEMENTED: 213.053(9), 250.535(1)(e), 896.102 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: February 2, 2010, 9:00 a.m.
PLACE: Room 118, Carton 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 L. 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

Property Tax Oversight Program

RULE NO.: 12D-7.020
RULE TITLE: Real Property Dedicated in Perpetuity for Conservation

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to inform the public that the Department is developing a new rule for an exemption for real property dedicated in perpetuity for conservation. Chapter 2009-157, Laws of Florida (House Bill 7157), provided for the exemption starting January 1, 2010. This rule will address the subject matter of Rule 12DER09-16, Exemption for Real Property Dedicated in Perpetuity for Conservation, the rule that implemented the legislation beginning 2010. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules. The effect of these actions is to inform property owners the qualifications and requirements for receive the exemption for land dedicated in perpetuity.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the exemptions for real property dedicated in perpetuity for conservation purposes. Rule text will be posted on or about January 25, 2010 on the Department's website at <http://dor.myflorida.com/dor/property/legislation/>. The Department encourages interested parties to submit written comments or other material that might assist the Department to DORPTO@dor.state.fl.us.

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

LAW IMPLEMENTED: 196.011, 196.26, 704.06 FS.

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

DATE AND TIME: February 15, 2010, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 South 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: Janice Forrester at (850)922-7945. 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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us. Copies of these rules will also be posted by the Department on its Internet site at <http://dor.myflorida.com/dor/property/legislation/>

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

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

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list and adopt the proposed new and amended forms that will support the new exemption for dedicated conservation property and the classification for property subject to conservation easement. This rule will address the subject matter of Rule 12DER09-16, Exemption for Real Property Dedicated in Perpetuity for Conservation. Such emergency rules may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is application forms for the exemptions for real property dedicated in perpetuity for conservation purposes and application forms for property classified as conservation easement property. Rule text will be posted on or about January 25, 2010 on the Department's website at <http://dor.myflorida.com/dor/property/legislation/>. The Department encourages interested parties to submit written comments or other material that might assist the Department to DORPTO@dor.state.fl.us.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: February 15, 2010, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 South 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: Janice Forrester at (850)922-7945. 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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us. Copies of these rules will also be posted by the Department on its Internet site at <http://dor.myflorida.com/dor/property/legislation/>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Oversight Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Title	Effective Date
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(2) through (13)(a) No change.

<u>(b) DR-418C</u>	<u>Real Property Dedicated in Perpetuity for Conservation Purposes Exemption Application (n. 12/09)</u>	_____
<u>(c) DR-418CR</u>	<u>Real Property Dedicated in Perpetuity for Conservation Exemption Renewal (n. 12/09)</u>	_____

<u>(d)(b) DR-418E</u>	Enterprose Zone Ad Valorem Property Tax Exemption-Child Care Facility Application For Exemption Certification (n. 12/99)	1/00
(14) through (22)	No change.	
(23)(a) DR-482	Application and Return for Agricultural Classification of Lands (r. 12/00)	1/01
<u>(b) DR-482C</u>	<u>Land Used for Conservation Assessment Application (n. 12/09)</u>	_____
<u>(c) DR-482 CR</u>	<u>Land Used for Conservation Assessment Reapplication (n. 12/09)</u>	_____
<u>(d) DR-482HW</u>	Application and Return for High-Water Recharge Classification of Lands (n. 12/99)	1/00
<u>(e)(b) DR-482HP</u>	Application and Return for Classification/Exemption of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. 12/04)	12/04
<u>(f)(e) DR-483</u>	Request for Extension of the time for Completion of Assessment Roll(s) (<u>r. 08/97</u>)	08/89
(24) through (61)(b)	No change.	

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History--New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, 10-2-07, _____.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-16.001	Definitions
59B-16.002	Universal Patient Authorization Forms

59B-16.003 Rebuttable Presumption and Immunity from Civil Liability

PURPOSE AND EFFECT: The proposed rule development will establish universal patient authorization forms in both paper and electronic formats which may be used by a health care provider to document patient permission for the disclosure and use, in any form or medium, of an identifiable health record. The universal patient authorization forms must be accepted by a provider as valid authorization to release an identifiable health record if the form is completed according to the instructions accompanying the form. The proposed rule development will incorporate by reference a universal patient authorization form for the purpose of treatment and quality of care and a universal patient form that may be used for treatment or certain non-treatment purposes.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing a rule development that will establish new Rules 59B-16.001 and 59B-16.003, F.A.C., providing for the incorporation by reference of the Universal Patient Authorization Form for Full Health Information Disclosure in Treatment and Quality of Care form, the Universal Patient Authorization for Limited Disclosure of Health Information and accompanying instructions. The rules provide instructions for the completion of the form that must be met to create the rebuttable presumption that the release of identifiable health record was appropriate.

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.051(4) FS.

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

DATE AND TIME: February 5, 2010, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Carolyn H. Turner at (850)922-5861. 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: Carolyn H. Turner, Florida Center for Health Information and Policy Analysis, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-16.001 Definitions.

As used in Rules 59B-16.001 through 59B-16.003, F.A.C.:

(1) "Health care provider" means any other person or organization that furnishes, bills, or is paid for health care services in the normal course of business.

(2) "Electronic format" means a form as provided in 59B-16.002 that is completed, signed electronically and transmitted electronically to the health care provider if the signature is validated by the provider or third party on behalf of the provider through an authentication process consistent with national standards recognized by the Office of the National Coordinator for Health Information Technology.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New _____.

59B-16.002 Universal Patient Authorization Forms

(1) The Universal Patient Authorization for Full Information Disclosure in Treatment and Quality of Care form including instructions for completing the form is posted at: www.FHIN.net. The Universal Patient Authorization for Full Information Disclosure in Treatment and Quality of Care form dated 1.1.10 is incorporated by reference as AHCA Form FC4200-004.

(2) The Universal Patient Authorization for Limited Disclosure of Health Information form including instructions for completing the form is posted at: www.FHIN.net. The Universal Patient Authorization for Limited Disclosure of Health Information form dated 1.1.10 is incorporated by reference as AHCA Form FC4200-005.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New _____.

59B-16.003 Rebuttable Presumption and Immunity from Civil Liability.

(1) The exchange by a health care provider of an identifiable health record upon receipt of a form in either paper or electronic format completed and submitted in accordance with agency instructions as provided in Rule 59B-16.002, F.A.C. creates a rebuttable presumption that the release of the identifiable health record was appropriate.

(2) A health care provider that discloses or uses an identifiable health record in reliance on the information provided to the health care provider on a properly completed authorization form that may be on paper or in an electronic format does not violate any right of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New _____.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

RULE NO.	RULE TITLE:
59C-1.0355	Hospice Programs

PURPOSE AND EFFECT: Proposed rule updated to reflect changes to the hospice rule as currently defined in Title 59C, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Changes are to the dates of material incorporated by reference in the rule as adopted July 21, 2009, and the clarification of the website of the publications.

RULEMAKING AUTHORITY: 408.034(3), (5), 408.15(8) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(4), (5) 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: Calvin J. Vice, Sr., PhD, Certificate of Need, (850)488-8672

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.210	Reenrollment for Good Cause and Extreme Hardship in the Voluntary Prekindergarten Education Program
60BB-8.700	Low-Performing Provider; Voluntary Prekindergarten Improvement Plan and Implementation
60BB-8.701	Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation
60BB-8.702	Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation
60BB-8.703	Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule development is to implement the Agency's authority to administer the Voluntary Prekindergarten Education (VPK) Program by establishing a procedure by which VPK providers who fail to achieve minimum kindergarten readiness rates comply with Section 1002.67, F.S., and for reenrollment of VPK students.

SUBJECT AREA TO BE ADDRESSED: The Low Performing Provider rules establish procedures governing administration of the VPK Program by early learning coalitions and school districts for approving improvement

plans, for placing providers on probation and requiring corrective actions, and for removing providers from eligibility to deliver the program. The rule regarding reenrollment establishes criteria for determining whether a student has substantially completed the VPK Program and whether a good cause or extreme hardship exists.

RULEMAKING AUTHORITY: 1002.71(4), 1002.75(2)(i), 1002.79(2) FS.

LAW IMPLEMENTED: 1002.67(3)(c), 1002.71(4), 1002.75(3)(a)-(c) FS.

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

DATES AND TIMES:

1. January 22, 2010, 1:00 p.m. – 5:00 p.m. or until business is concluded.
2. January 25, 2010, 9:00 a.m. – 1:00 p.m. or until business is concluded.

PLACE: Agency for Workforce Innovation, 107 E. Madison St., Tallahassee, Florida 32399-4128 and via WebEx which may be accessed at http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

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: Audrey Gaten at (850)245-7160. 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: Kristin R. Harden, Assistant General Counsel, 107 E. Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ONLINE AT THE WEBSITE: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-8.004	Program Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rules to reflect changes made to Chapter 509, F.S., by Chapter 2009-195, Laws of Florida. The proposed rules will update the Hospitality Education Program grants administered by the program and school-to-career grant forms.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address changes to the Hospitality Education Program grants made by Chapter 2009-195, Laws of Florida.

RULEMAKING AUTHORITY: 509.032, 509.302 FS.

LAW IMPLEMENTED: 509.302 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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

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 HEALTH

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-2.0126	Conduct at Examination Site
64B5-2.013	Dental Examination Requirements and Grading

PURPOSE AND EFFECT: To clarify and update language.
 SUBJECT AREA TO BE ADDRESSED: Clarified and updated language.
 RULEMAKING AUTHORITY: 456.004(5), 466.004(4) FS.
 LAW IMPLEMENTED: 456.017(1)(d), 456.079 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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-16.005	Remediable Tasks Delegable to Dental Assistants
64B5-16.006	Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: To clarify and update language.
 SUBJECT AREA TO BE ADDRESSED: Clarified and updated language.

RULEMAKING AUTHORITY: 466.004, 466.004(4), 466.023, 466.024, 466.024(3) FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

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

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.:	RULE TITLE:
64H-1.002	Biomedical Research Grant Applications

PURPOSE AND EFFECT: The purpose of this rule is to provide information to apply for a Biomedical Research Grant, pursuant to the provisions of Sections 215.5602 and 381.922, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Biomedical Research Grant Applications.

RULEMAKING AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602(5), 381.922(3)(a) FS.

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

DATE AND TIME: Tuesday, January 26, 2010, 9:30 a.m. – 10:30 a.m. (EST)

PLACE: Department of Health, 4030 Esplanade Way, 2nd Floor, Room 280N, 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 2 days before the workshop/meeting by contacting: Sylvia McDaniel, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way,

Mail Bin #A24, Tallahassee, FL 32399, (850)245-4585. 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: Sylvia McDaniel, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin #A24, Tallahassee, FL 32399, (850)245-4585

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64H-1.002 Biomedical Research Grant Applications.

(1) Grant Applications.

(a) The Florida Department of Health (Department) will accept grant applications for research initiatives into the prevention, diagnosis, treatment, and cure of tobacco-related diseases to be funded by the James and Esther King Biomedical Research Program (Program) and for research initiatives into the prevention, diagnosis, treatment, and cure of cancer to be funded by the Bankhead-Coley Cancer Research Program (Program) in response to Calls for Grant Applications (Calls).

(b) The Calls will be announced and available at the Program's website (www.floridabiomed.com) and applications will be submitted through a web-based electronic system in a format determined by the Department.

(c) The Department may modify the format and content requirements for the Calls at any time. Notice of the modification will be announced at the Program's website.

(d) Applicants shall not initiate contact with Biomedical Research Advisory Council members regarding the status, substance, or preparation of a grant application.

(2) Advisory Council.

(a) Biomedical Research Advisory Council members are prohibited from attempting to use their council position to influence a decision to approve or award a grant or contract to the council member's employer or any other entity in which the council member has an interest.

(b) Biomedical Research Advisory Council members will report conflicts of interest in writing to the Program Administrator and will recuse himself or herself from the Council's deliberations and actions on the matter and shall not participate in the Council's decision on the matter.

(c) Nothing in this rule prohibits the Department or the Biomedical Research Advisory Council from adopting additional standards and reporting requirements relating to prohibited conflicts of interest that may be more rigorous than set forth in Florida Statute. Council members must comply with additional standards upon adoption.

(3) Peer Review Process.

(a) The Department will endeavor to ensure that projects representing the best science are funded. This will be accomplished through a rigorous scientific peer review process of grant applications in coordination with the Biomedical Research Advisory Council and the State Surgeon General.

(b) Scientific peer reviewers will be located outside of Florida, must disclose all conflicts of interest, and will receive an honorarium.

(c) In addition to scientific merit scores, peer reviewers will assign a tobacco-relatedness score for the James and Esther King Biomedical Research Program and a cancer-relatedness score the Bankhead-Coley Cancer Research Program. To the extent possible, priority for funding grant applications will be given to proposals with better relatedness scores.

(4) Grant Terms and Conditions.

(a) Grant recipients must sign a Grant Terms and Conditions document. A sample document is included with each Call.

(b) Grant recipients are under a continuing obligation to notify the Program of any adverse conditions that materially impact milestones and objectives included in the research proposal and Grant Terms and Conditions.

(c) Grant funds may not be used for purposes other than those for which the grant was awarded.

(5) Termination of Grants.

(a) The Program may terminate grants prior to the expiration of the terms and conditions.

(b) The Program will notify the grant recipient in writing of the intent to terminate funding.

Rulemaking Authority 215.5602(9) FS. Law Implemented 215.5602(5), 381.922(3)(a) FS. History—New

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:

65A-1.303 Assets

PURPOSE AND EFFECT: The proposed rule amendment amends the vehicle language and includes some wording changes and technical changes of a non-substantive nature.

SUBJECT AREA TO BE ADDRESSED: Vehicle asset policy for the Food Stamp and Cash Assistance Programs.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 414.075 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, 2010, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)410-3291
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.002
 RULE TITLE: Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow volunteers of the Commission to take fish and wildlife under an approved volunteer program according to conditions specified for the program. The effect will be to facilitate use of volunteers in the Commission’s conservation efforts while reducing the workload of permitting staff.

SUBJECT AREA TO BE ADDRESSED: Authorization to take wildlife or freshwater fish for justifiable purposes.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-24.0055
 RULE TITLE: Commercial Requirements; Appeals

PURPOSE AND EFFECT: The purpose of this rule development notice is to modify the Commission’s spiny lobster rule to extend the current moratorium on the issuance of new commercial dive lobster endorsements. The proposed extension of the expiration date of the moratorium on new commercial dive permits would be from July 1, 2010 until July 1, 2015.

SUBJECT AREA TO BE ADDRESSED: The subject areas covered by the rule development notice include the spiny lobster commercial harvest dive endorsement program.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-44.002	Definitions
68B-44.003	Bag Limit Applicable to State Waters, Gear Restriction
68B-44.004	Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters
68B-44.005	Prohibited; Compliance with Federal Requirements; Filletting Prohibited
68B-44.006	Commercial Harvest of Sharks: Federal Permit Required
68B-44.007	Commercial Season; Season Closure; Prohibition of Sale
68B-44.008	Size Limit Applicable to State Waters
	Prohibited Species; Prohibition of Harvest, Landing, and Sale

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for sharks and rays in the 2010 calendar year as a result of stock assessments, federal regulatory actions or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: The subject areas covered by the rule development notice include bag limits, recreational and commercial harvest and other subjects encompassed by the above-cited rules.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-39.005	Minimum Curriculum Requirements for Firesafety Inspector Certification
69A-39.007	Procedures for Certification Examination
69A-39.009	Triennial Renewal of Firesafety Inspector Certification

PURPOSE AND EFFECT: To provide minimum curriculum requirements for Firesafety Inspector I, Firesafety Inspector II, Fire Code Administrator, and Special Fire Safety Inspector Certification, procedures for certification examinations, and procedures for triennial renewal.

SUBJECT AREA TO BE ADDRESSED: Firesafety inspection.

RULEMAKING AUTHORITY: 633.01, 633.081 FS.

LAW IMPLEMENTED: 633.081(2), (3), (4) FS.

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

DATE AND TIME: Thursday, January 21, 2010, 10:00 a.m., or as soon thereafter as the Florida Fire Standards and Training Council meeting is adjourned

PLACE: Ocean Center in Daytona Beach, 101 North Atlantic Ave., Daytona Beach, FL 32118

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: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal. phone: (352)369-2836. 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: See above

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-231.030	Definitions
69B-231.080	Penalties for Violation of Section 626.611
69B-231.100	Penalties for Violation of Subsection 626.9541(1)
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.160	Aggravating/Mitigating Factors

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The amendments include adding new regulations adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating certain laws in order to reflect the Department’s experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUBJECT AREA TO BE ADDRESSED: Penalty Guidelines for Insurance Representatives.

RULEMAKING AUTHORITY: 624.308, 626.207(2), 627.4554(9) FS.

LAW IMPLEMENTED: 624.307(1), 626.308, 626.207(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9541, 626.9541(1), 627.4554, 631.155 FS.

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

DATE AND TIME: Thursday, January 28, 2010, 9:00 a.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathy Spencer, (850)413-5644 or by email: Kathy.Spencer@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathy Spencer, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5644

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

**Section II
Proposed Rules**

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-4.001	Definitions and Forms
27M-4.002	Competitive Application for Selection as Loan Administrator
27M-4.003	Certification Decision

PURPOSE AND EFFECT: To formalize the emergency rules used to implement the Economic Gardening Business Loan Pilot Program

SUMMARY: The rule established a competitive application process for loan administrator for the Pilot Program and governed the contract for that program.

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: 288.1081 FS.

LAW IMPLEMENTED: 288.1081 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: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, (850)487-2568, michelle.dennard@myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

27M-4.001 Definitions and Forms.

As used in Emergency Rules 27M-4.001, 27M-4.002, and 27M-4.003, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at <http://www.flgov.com/otted> home or may be obtained from the Office.

(1) "Act" means the Economic Gardening Business Loan Pilot Program, Section 288.1081, F.S.

(2) "Agreement" means the standard "Economic Gardening Business Loan Administrator Agreement" form OTTED 8102-4 (3/09), which is hereby incorporated by reference.

(3) "Applicant" means a corporation that seeks selection under Section 288.1081, F.S., as a Recipient of funds to provide loans pursuant to the Act.

(4) "Application" means the standard "Application for Selection as Loan Administrator under the Economic Gardening Business Loan Pilot Program" form OTTED 8102-1 (3/09), which is hereby incorporated by reference.

(5) "Application Evaluation Form" means the standard "Economic Gardening Loan Pilot Program Application Evaluation" form OTTED 8102-2 (3/09), which is hereby incorporated by reference.

(6) "Application Period" means the period during which Applicants submit Applications, which shall be received by the Office between May 18 through June 5 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

(7) "Eligible" means that an Applicant has demonstrated they be a Florida Corporation not-for-profit incorporated under Chapter 617, F.S., which has its principal place of business in Florida, have five years of verifiable experience of lending to businesses in Florida and have satisfied of each of the requirements specified in Section 288.1081, F.S.

(8) "Loan Administrator" means an Applicant that, after a competitive selection process, the Office selects to receive Program funds and that executes an Agreement with the Office.

(9) "Office" means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(10) "Program" means the Economic Gardening Business Loan Pilot Program established by Section 288.1081, F.S.

(11) "Review Committee" means a committee of no more than eight (8) individuals selected by the Office which includes representation from the finance and lending community, Enterprise Florida, and the business community or a representative of the business community.