

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Library and Information Services**

RULE NO.: RULE TITLE:
1B-2.011 Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Library Services and Technology Act Grant, the State Aid to Libraries Grant, the Public Library Construction Grant, the Community Libraries in Caring Grant, the Florida Library Literacy Grant program, and the Community and Library Technology Access Partnership Grant program rules.

The Library Services and Technology Act Grant program guidelines will be updated to require submission of applications in the electronic Florida Libraries and Grants system, describe the application components, and outline the revised evaluation criteria. These revisions will also update requirements in the grant agreement.

The State Aid to Libraries Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Public Library Construction Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

The Community Libraries in Caring Grant program guidelines will be updated to incorporate the Department of State's grant noncompliance policy. These revisions will also update requirements in the grant agreement.

This revision will repeal the Florida Library Literacy Grant program and the Community and Library Technology Access Partnership Grant program rules.

SUBJECT AREA TO BE ADDRESSED: The Library Services and Technology Act Grant, the State Aid to Libraries Grant, the Public Library Construction Grant, the Community Libraries in Caring Grant, the Florida Library Literacy Grant program, and the Community and Library Technology Access Partnership Grant programs administered by the Division of Library and Information Services.

RULEMAKING AUTHORITY: 257.14, 257.15 FS.

LAW IMPLEMENTED: 257.16, 257.17, 257.171, 257.172, 257.18, 257.25, 257.191, 257.192, 257.193 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: November 2, 2011, 2:00 p.m. – 4:00 p.m., ET

PLACE: Room 307, Division of Library and Information Services, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, or by email at Marian.Deeney@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marian Deeney, by mail at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, or by email at Marian.Deeney@DOS.MyFlorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT AND THE INCORPORATED FORMS ARE accessible via the Division of Library and Information Services' webpage for proposed rules at: <http://info.florida.gov/bld/grants/AdminRuleChanges.html> or is available by contacting the named person listed above.

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

DEPARTMENT OF STATE**Division of Elections**

RULE NO.: RULE TITLE:
1S-2.030 Absentee Ballots for Overseas Voters

PURPOSE AND EFFECT: This rule deals exclusively with the request, delivery and return of absentee ballots for overseas voters (uniformed services members and civilian U.S. citizens who are overseas). The changes focus on updating the rule in four ways. The title of the rule is changed to read as "Absentee Ballots for Overseas Voters (Uniformed Services and Civilian)." Proposed revisions conform the rule to the Military and Overseas Voter Empowerment Act (Public law 111-84) which facilitated voting for military voters and overseas civilian including allowing e-mail to be used to communicate and transmit absentee ballot requests and blank ballots to voters subject to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The proposed revisions contemplate allowing for the possibility of returning a voted absentee ballot by e-mail provided procedures for seeking and obtaining state-approval for using a secure remote electronic transmission program as authorized by section 101.697, F.S., are followed. The ballot instructions are also amended to conform to sections 38 and 39 of chapter 2011-40, Laws of Florida, which became effective May 19, 2011, and required

notice to voters regarding the importance of the signature match for an absentee ballot to count. This is a second workshop. No statement of estimated regulatory cost is needed or prepared.

SUBJECT AREA TO BE ADDRESSED: Absentee ballots for voters who are overseas uniformed services members and overseas civilian U.S. citizens.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.697 FS.

LAW IMPLEMENTED: 101.62, 101.64, 101.65, 101.6923, 101.697 FS.

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

DATE AND TIME: October 31, 2011, 2:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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, Office of General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-6536, mimatthews@dos.state.fl.us or David Drury, Chief, Bureau of Voting Systems Certification, drdrury@dos.state.fl.us.; (850)245-6200

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.031 **RULE TITLE:** Recount Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to conform the rule to law that now allows the Secretary of State in lieu of the Elections Canvassing Commission, to order recounts for federal, statewide, and multicounty races. Additionally the revisions codify practices that have evolved over time to improve the machine and manual recount processes. The revisions will also reflect a substantial re-write of the rule in order to re-organize and simplify the language in the rule. The rule incorporates by reference DS-DE 72/105 which contains the sample ballot image reports for the various voting systems that are to be used in a manual recount of touchscreen ballots for determining whether a voter has cast an undervote

SUBJECT AREA TO BE ADDRESSED: Recount procedures.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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: Eddie Phillips, elphillips@dos.state.fl.us, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224. 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).

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043 **RULE TITLE:** Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results

PURPOSE AND EFFECT: The primary purpose of the proposed rule revision is to conform the rule to provisions in Chapter 2011-40, Laws of Florida, which change the requirements set out in the rule. In particular, section 11 which will take effect on July 1, 2012, includes file specifications and changes the timeline for reporting precinct-level election results and voting history will supersede the requirements set out in rule. Additionally, sections 37 and 39 (which took effect May 19, 2011, the day the bill became law) affect the wording of subsections (3) and (4) of the rule as relates to absentee ballot request information and early voting history upload. This will be a second rules workshop in a series. No statement of estimated regulatory cost is triggered and therefore no statement is prepared. Since no SERC is required or prepared, and no information exists other than past experiences associated with this subject matter, the proposed rule is not expected to require legislative ratification pursuant to section 120.541(3), Florida Statutes, or any other statute, in order to become effective.

SUBJECT AREA TO BE ADDRESSED: Electronic reporting requirements for absentee ballot requests, voting history, voter registration history and election results.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

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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, Office of General Counsel, at (850)245-6536, mimatthews@dos.myflorida.com or Dr. Gisela Salas, Director, Division of Elections, Gisela.Salas@dos.myflorida.com; (850)245-6200, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.051 RULE TITLE: Federal Write-In Absentee Ballot

PURPOSE AND EFFECT: The purpose of the proposed new rule is to implement the requirements of chapter law 2011-162, Laws of Florida, which expanded the use of federal write-in absentee ballots (which is a back-up ballot to the state absentee ballot) beyond federal elections to include a state or local election involving two or more candidates. The new law takes effect July 1, 2011. The new law requires the Department of State to adopt directions and criteria for determining voter intent on a federal write-in absentee ballot in the event of a recount. This is a second rules workshop

SUBJECT AREA TO BE ADDRESSED: Federal Write-in Absentee Ballots.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.166(4) FS.

LAW IMPLEMENTED: 101.6952, 101.5614, 102.166 FS.

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

DATE AND TIME: October 31, 2011, 2:00 p.m.
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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, Office of General Counsel at (850)245-6536, mimatthews@dos.myflorida.com, or Dr. Gisela Salas, Director, Division of Elections, (850)245-6200, Gisela.Salas@dos.myflorida.com, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-57.001	Definitions
5B-57.002	Purpose
5B-57.004	Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, Noxious Weeds, and Invasive Plants, Regulated by the Department
5B-57.006	Regulation and Control of Noxious Weeds and Invasive Plants in Florida
5B-57.007	Noxious Weed List
5B-57.010	Noxious Weed and Invasive Plant Classification Procedures
5B-57.011	Biomass Plantings
5B-57.012	Casuarina Cunninghamiana Windbreaks

PURPOSE AND EFFECT: The amendments will, in part, address the post harvest transport of Biomass/Biofuel materials, permitting requirements of Biomass/Biofuel plantings, and permitting exemptions.

SUBJECT AREA TO BE ADDRESSED: Biomass/Biofuel Permit Requirements and Exemptions.

RULEMAKING AUTHORITY: 570.07(13), (23) FS.

LAW IMPLEMENTED: 581.031(4), (5), (6), 581.083, 581.091 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: Dr. Wayne N. Dixon, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-18.008
 RULE TITLE: Areas of Responsibility

PURPOSE AND EFFECT: Repeals the requirement for the Regional Training Council to submit a Five-Year Plan to the Commission because this report is obsolete and no longer required by the Commission.

SUBJECT AREA TO BE ADDRESSED: Regional Training Council Five-Year Plan.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.25(5) FS.

LAW IMPLEMENTED: 943.25 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: November 2, 2011, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, CJPP Conference Room, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. 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).

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-20.001
 RULE TITLE: Definitions and Minimum Requirements for General Certification of Instructors

PURPOSE AND EFFECT: Revises the Affidavit of Separation form CJSTC-61 to require the submission of written documentation of internal or criminal investigations upon request by Commission staff and revises the Oath to comply with Section 117.05(13)(a), F.S. Allows training center director designees to evaluate equivalent instructor training on behalf of the training center director.

SUBJECT AREA TO BE ADDRESSED: Internal or criminal investigations policy clarification; compliance with Section 117.05(13)(a), F.S., regarding the Oath on form CJSTC-61; and training center designee evaluation of equivalent instructor training.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.14(3) FS.

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-21.005
 RULE TITLE: Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, by repealing the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Basic Abilities Test.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Updates the moral character violations for an officer’s failure to maintain good moral character; to comply with statutory revisions to Section 943.131(2), F.S., amended on 7/1/10, by granting additional equivalency of training exemptions; adds language to the Affidavit of Separation form CJSTC-61 to require written documentation of an officer/instructor’s internal or criminal investigation upon separation of employment; adds chronic illnesses to rule and the Firearms Law Enforcement Officer Qualification Standard form CJSTC-86B to qualify for an extension for completing the required bi-annual Firearms Qualification Standard; adds Section 901.36(1), F.S., to the penalty guidelines for the violation of “using a false name or false identification by a person arrested or lawfully detained”; and adds as an aggravating circumstance, the revocation of an officer’s certification for cases where a respondent has been notified and failed to answer the Administrative Complaint or failed to respond to the allegations of misconduct alleged by the Commission.

SUBJECT AREA TO BE ADDRESSED: Moral character violations; equivalency of training exemption policy; internal or criminal investigations; chronic illnesses allowed for reason to extend completion of the required bi-annual Firearms Qualification Standard; and officer discipline penalty guidelines.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.13(11), (7), 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (8), 943.1701, 943.1715, 943.1716, 943.253 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: November 2, 2011, 1:00 p.m.

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key
11B-30.013	Challenge to Examination Results; Right of Hearing

PURPOSE AND EFFECT: Revises the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment.

To implement the new Computer-Based State Officer Certification Examination by: Adding rule language to allow the Paper and Pencil test to remain effective until the computer-based test is fully implemented; adding the Computer-Based State Officer Certification Examination name in Rule Chapter 11B-30, F.A.C.; repealing the Application for Officer Certification Examination form CJSTC-500 and the Training School Certification Examination Supplies Request form CJSTC-514; adding the accommodations for applicants with disabilities when applying to take the Computer-Based State Officer Certification Examination; adding the procedures for rescheduling examinations; adding the new test site requirements; and revising applicant conduct requirements for the new examination.

To implement the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs by updating the rule sections containing the State Officer Certification Examinations required to pass the Florida CMS Correctional Basic Recruit Training Program and related cross-over training programs.

SUBJECT AREA TO BE ADDRESSED: Equivalency of training exemptions; implementation of the new Computer-Based State Officer Certification Examination; allows the Paper and Pencil test to remain effective until the computer-based test is fully implemented; and implementation of the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 943.12(17), (10), 943.131(2), 943.1397, 943.1397(1), (3), 943.173 FS.

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Repeals the obsolete Role-Play Practicum Check Sheet form CJSTC-3.

Updates the Alcohol Testing Program course hours to agree with the course hours in Rule 11B-35.007, F.A.C.

To implement the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs by: Adding the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs effective July 1, 2012; adding rule language to continue the existing Correctional Basic Recruit Training Program and related cross-over programs until the new programs are implemented; adding the state officer certification examinations required for the new Programs; and repealing obsolete basic recruit training programs.

To implement eLearning (on-line training) for Specialized Training Program Courses by: Defining the daily student attendance records and excused absence process for eLearning; defining competency-based instruction; adding competency-based instruction for specialized training program courses and specialized instructor training courses; defining eLearning instruction; specifying the specialized training program courses available for eLearning; defining officer training units for delivery of specialized training courses; listing the specialized training programs allowed for eLearning; listing the specialized instructor training courses and the breath test and agency inspector courses excluded from eLearning; requiring courses to be delivered using the

Learning Management System; defines Learning Management System; and creating the eLearning Course Minimum Standards form CJSTC-18 to document eLearning.

To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, which removes the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program.

To comply with statutory revisions to Section 943.131(2), F.S., amended on 7/1/10 by revising the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment and repealing State Officer Certification Examination Admission Voucher form CJSTC-517, which is currently required, along with form CJSTC-76, to take the paper and pencil state examination.

SUBJECT AREA TO BE ADDRESSED: Repeals form CJSTC-3; implementation of the new Computer-Based State Officer Certification Examination; updates the Alcohol Testing Program course hours; implementation of the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs; implementation of eLearning (on-line training) for Specialized Training Program Courses; removes repeals the Correctional Probation Basic Abilities Test; and allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.131(2), 943.17, 943.175, 943.25 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: November 2, 2011, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, CJPP Conference Room, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. 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: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.:	RULE TITLE:
11C-6.003	System Security and Public Access
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.010	Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Repeals Rule 11C-6.003, F.A.C.; adds the repealed language to Rule 11C-6.004, F.A.C. Updates 11C-6.010, F.A.C., to conform with recent legislative changes.

SUBJECT AREA TO BE ADDRESSED: Requests and procedures for criminal history record checks and retention of fingerprints.

RULEMAKING AUTHORITY: 943.03(4), 943.05(2)(g), (h), 943.053, 943.0542, 943.056, 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 119.07, 220.187(6)(b), 551.107(7)(c), 744.3135(4)(b), 943.053, 943.05(2)(g), (h), 943.0542, 943.056, 943.13(5), 985.644(5)(b), 1002.421(3)(a), 1012.32(3), 1012.465, 1012.56 FS.

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

DATE AND TIME: Wednesday, November 2, 2011, 1:00 p.m.
 PLACE: Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Martha Wright at (850)410-8113, or marthawright@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, Attention: Martha Wright, 2331 Phillips Road, Tallahassee, Florida 32308. 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: Martha Wright at (850)410-8113, or marthawright@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, Attention: Martha Wright, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NOS.:	RULE TITLES:
11G-1.001	Structure, Purpose
11G-1.002	District Medical Examiners, Associate Medical Examiners

PURPOSE AND EFFECT: Corrects inaccurate rule language and statute references concerning the “purpose of the Medical Examiners Commission,” renames the rule section title, and adds definitions to support revisions in Rule Chapters 11G-2 and 11G-5, F.A.C., and corrects grammatical errors, relocates existing rule language to a more appropriate rule paragraph, and renames rule title.

SUBJECT AREA TO BE ADDRESSED: Section titles, definitions; housekeeping and grammatical revisions; clarification of rule, and removal of obsolete and vague rule language.

RULEMAKING AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.02, 406.06, 406.17 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: November 2, 2011, 1:00 p.m.
 PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, CJPP Conference Room, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. 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: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write

to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NOS.:	RULE TITLES:
11G-2.001	Determination of Jurisdiction, Preliminary Procedures
11G-2.002	Identification
11G-2.003	Investigation
11G-2.004	Physical Evidence
11G-2.005	Records, Autopsy Report
11G-2.006	Practice Guidelines

PURPOSE AND EFFECT: Paragraphs 11G-2.001(1)(a), (b), (c), F.A.C., Restructured the rule sections and replaced the word “jurisdiction” with more explicit language because the term “jurisdiction” is not supported by Chapter 406, F.S.; old (2) Removed because the term “jurisdiction” is not supported by Chapter 406, F.S., and “control of the body” is incorrectly used; new (2)(a) Clarified by deleting and combining with the new (2); new (2)(b), (c) Removed these rule sections because the current rule text incorrectly states that pursuant to 406.11, F.S., jurisdiction exists for fetuses; new (3) Made grammatical and housekeeping revisions; (3)(a) Removed vague rule language; new (4) Revised because the term “jurisdiction” is incorrectly used pursuant to Chapter 406, F.S.; (4)(a) Revised because “control of the body” is used incorrectly pursuant to statute; (4)(b) Revised because the examination of the scene of death or injury is not required for many hospital deaths; old (4)(d) Removed because the DMV rule language is redundant to Section 316.065(2), F.S.; new (4)(d) Made grammatical changes; new (4)(e) Added a statutory reference to support the term “legally authorized person”; new (5)(d) Removed the requirement for submitting an annual workload report because Section 406.02, F.S., does not require this report.

Subsections 11G-2.002(1) and (2), F.A.C., Reworded to remove vague rule language; (3) Revised to be more specific about the procedure for processing unidentified remains; (4) Reworded for clarification.

Subsection 11G-2.003(2), F.A.C., Removed unrelated rule language regarding signing of death certificates; New (3) Clarified rule language because Section 406.11, F.S., grants total discretion for the medical examiner to perform or not perform an autopsy and the current rule language does not grant this discretion; New (4) Revised to comply with the current rule requirements for autopsies without infringing entirely on the discretion to not autopsy. Relocated rule language from subsection 11G-2.004(3), F.A.C., to subsection 11G-2.003(4), F.A.C., for clarification and to require

toxicology tests on violent deaths only when an autopsy is performed; new (5)(a), (b), (c), (d) Added rule language to specify when an autopsy shall be performed; Old (3) Removed rule language in conflict with statute. Section 406.11 grants total discretion to the medical examiner to perform or not perform an autopsy in any case, and the current rule language does away with that discretion; Old (4) and old (5) Rewrote and relocated to a new (5).

Rule 11G-2.0031, F.A.C., Repealed rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary and relocated the SIDS autopsy protocol to the Practice Guidelines.

Rule 11G-2.004, F.A.C., Renamed the rule title to better describe the contents of the rule; old (l) and new (k) Relocated old (i) as new (k) and corrected the statutory reference for “legally authorized person”; (1)(l)4. Added rule language to clarify that “research” does not include test development when tissues or fluids are received in support of a death investigation; old (3) Moved rule language from subsection 11G-2.004(3), F.A.C., to subsection 11G-2.003(4), F.A.C., to a more appropriate rule section to address toxicology testing on violent deaths; New (3), (3)(e), (4) Made grammatical changes; new (6)(d) Added a rule reference; new (6)(g), (h), and new (7)(b)1.-2. Moved rule language regarding next of kin to (7)(b)1. and (7)(b)2., and reworded (7)(b)3., because the current rule could be construed to prohibit a medical examiner’s toxicology laboratory from using specimens for test development and validation and could be considered research.

Paragraphs 11G-2.005(1)(a)-(e), F.A.C., Made grammatical changes; (1)(g) Added rule language for documenting the custody and surrender of dead bodies; new (2)(a)-(d) Added autopsy report guidelines and redefined “autopsy report” to allow opinions. (3) Removed obsolete rule language requiring the address of the district medical examiner’s office.

Rule 11B-2.006, F.A.C., Added a statutory reference and included the address for obtaining the Practice Guidelines.

SUBJECT AREA TO BE ADDRESSED: Notification of death, findings and conclusion of death, notification of legally authorized persons of a death, relinquish charge of a dead body; examination of dead body, investigation of death prior to the release of human remains; removal of obsolete rule language; statistical reports; clarification of current rule language; unidentified human remains; examinations required for deaths resulting from violence; rules for performing an autopsy; repeal of SIDS Autopsy Protocol rule; research guidelines; custody and surrender of dead bodies; autopsy report; and how to obtain a copy of the Practice Guidelines.

RULEMAKING AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 383.3362, 406.06(1)(a), 406.076, 406.11, 406.13, 406.145 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: November 2, 2011, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, CJPP Conference Room, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us or write to: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. 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: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NOS.:	RULE TITLES:
11G-5.003	District Medical Examiner Terms of Office
11G-5.004	Process for District Medical Examiner Candidate Nomination to the Governor

PURPOSE AND EFFECT: Rule 11G-5.003, F.A.C., Clarifies that the term of office for a Commission member appointed to the Medical Examiner’s Commission is determined by the governor. Rule 11G-5.004, F.A.C., Adds to the District Candidate Search Committee, a “medical examiner designated by the chairperson” upon notification of a vacancy on the Medical Examiners Commission.

SUBJECT AREA TO BE ADDRESSED: District medical examiner gubernatorial appointments and district candidate search committee.

RULEMAKING AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.06(1)(a) 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: November 2, 2011, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, CJPP Conference Room, 2331 Phillips Road, 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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. 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: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us or write to: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

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

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29F-21.001	Strategic Regional Policy Plan

PURPOSE AND EFFECT: Review and refinement of the regional goals and policies within the Council’s Strategic Regional Policy Plan (2060 Plan) which are intended to assist local decision making on planning, development and growth issues in Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties in a manner that encourages implementation of the Central Florida Regional Vision adopted by representatives of all 93 communities that participated in an eighteen month regional visioning process involving approximately 20,000 citizens.

SUBJECT AREA TO BE ADDRESSED: The East Central Florida Strategic Regional Policy Plan is required by Section 186.507, Florida Statutes, and contains regional goals and policies that address economic development, emergency preparedness, natural resources of regional significance (including the identification of regional resources and facilities), regional transportation, affordable housing, and a dispute resolution process.

RULEMAKING AUTHORITY: 186.505, 120.54 FS.

LAW IMPLEMENTED: 186.507 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: November 11, 2011, 10:00 a.m.
 PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

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: Tuesdai Brunsonbyrd-Bowden, (407)262-7772 or tbyrd@ecfrpc.org. 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: George Kinney, (407)262-7772 or gkinney@ecfrpc.org

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-9.230
 RULE TITLE: Firearms and Similar Equipment

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to revise District Land Use Rule 40D-9.230, F.A.C., to conform with recently enacted legislation, Chapter 2011-109, Laws of Florida (HB 45), which has expressly preempted the regulation of firearms and ammunition in Florida. District staff proposes amendments to the rule to eliminate any reference to firearms and ammunition regulation. Provisions relating to possession or use of other dangerous or potentially dangerous instruments, such as spears, paintball equipment, bows and arrows, will remain.

SUBJECT AREA TO BE ADDRESSED: Land Use Rules.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.1391, 373.59 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.

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC# 2011046)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.034	Consumer Directed Care Plus for Florida Medicaid Aged and Disabled Adult Waiver Enrollees

PURPOSE AND EFFECT: The purpose of this proposed new rule, Rule 59G-13.034, F.A.C., is to provide direction for Florida Medicaid Aged and Disabled Adult Waiver recipients enrolled in the Consumer Directed Care Plus program, established pursuant to the Florida Consumer-Directed Care Act, set forth at Section 409.221, Florida Statutes. In particular, this rule provides definitions of key terms, sets requirements for emergency back-up plans, and establishes guidelines for prior authorization of goods and services. In addition, in order to ensure cost-efficient use of funds, the rule establishes a maximum reimbursement rate for certain service providers, and mandates return of certain unspent funds.

SUBJECT AREA TO BE ADDRESSED: Consumer Directed Care Plus for Aged and Disabled Adult Waiver Enrollees.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-13.034, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.221, 409.902, 409.906, 409.907, 409.912, 409.913 F.S.

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, November 3, 2011, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarala Hermes at the Bureau of Medicaid Services, (850)412-4249. 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: Sarala Hermes, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4249, e-mail: sarala.hermes@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.034 Consumer Directed Care Plus for Florida Medicaid Aged and Disabled Adult Waiver Enrollees.

(1) This rule applies to enrollees in the Florida Medicaid Aged and Disabled Adult Waiver Program participating in the Consumer Directed Care Plus Program, their caregivers and to Consumer Directed Care Plus Consultants.

(2) Definitions.

(a) "Attendant Care Services" means services for a consumer that substitute for the absence, loss, diminution or impairment of a physical or cognitive function. Attendant care services are both supportive and health-related hands-on services specific to the needs of the individual. Attendant care services include skilled nursing care or personal care to the extent permitted by state law and housekeeping activities incidental to the performance of care. This service is authorized only when the recipient's mental or physical condition requires assistance with medically related needs.

(b) "Budget Allowance" means the monthly amount of funds approved for the consumer to purchase needed, cost-effective goods and services, as set forth in Section 409.221(4)(d), F.S.

(c) "Budget Plan" means the written plan that describes how the consumer intends to use the approved monthly allowance.

(d) "Consultant" means an individual who provides technical assistance to consumers in meeting their responsibilities, as set forth in Section 409.221(4)(c)2., F.S.

(e) "Consumer" means a person who has chosen to participate in the Consumer Directed Care Plus Program, has met the enrollment requirements, and has received an approved budget allowance, as set forth in Section 409.221(4)(c)3., F.S.

(f) "Employee" means an individual rendering services eligible for reimbursement under the Consumer Directed Care Plus Program for whom the consumer is the employer of record.

(g) "Non-licensed Employee" means an individual who is providing services and who does not have an active Florida nursing license, granted pursuant to Chapter 464, F.S.

(h) "Personal Care Services" means services to assist the consumer with activities of daily living, including eating, bathing, dressing, and personal hygiene. Personal care may also include meal preparation and housekeeping incidental to the performance of care.

(i) "Provider" means:

1. A person permitted to render services eligible for reimbursement under the Consumer Directed Care Plus Program for whom the consumer is not the employer of record;
or

2. A consumer-employed caregiver for whom the consumer is the employer of record.

(3) Emergency Back-Up Plan for Ventilator-Dependent Consumers.

(a) Consumers who are ventilator-dependent must identify at least one service provider who is willing and able to provide care or service if the regular service provider is not available.

(b) The requirement in paragraph (a) above applies for each of the following types of services: Attendant Care Services, Personal Care Services, and Consumable Medical Supplies.

(4) Prior authorization.

(a) Before any goods or services are provided to a consumer through the Consumer Directed Care Plus Program, the Consumer Directed Care Plus Consultant must review and approve the goods or services, based on the consumer's plan of care.

(b) Any goods or services not listed the consumer's approved plan of care must be approved by the Agency for Health Care Administration.

(c) Goods and services not covered in the Florida Medicaid Aged and Disabled Adult Waiver Services Program, as set forth in the applicable Florida Medicaid Aged and Disabled Adult Waiver Coverage and Limitations Handbook, will be approved only upon an adequate showing that the goods or services:

1. Will increase the consumer's independence or will substitute for human assistance; and

2. Are linked to an assessed need or established goal in the consumer's plan of care.

(5) Reimbursement limits.

(a) Attendant Care Services and Personal Care Services performed at the same time for the same consumer will not be reimbursed.

(b) The maximum reimbursement rate for a non-licensed employee performing any service is \$25.00 per hour or \$6.25 per 15-minute unit.

(c) The reimbursement limit in paragraph (b) above does not apply to the following:

1. A home health agency licensed under Chapter 400, Part IV, F.S.;

2. A home health agency licensed under Chapter 400, Part IV, F.S., that meets federal conditions of Medicare participation under 42 CFR 484; and

3. A nurse registry licensed under Section 400.56, F.S.

(6) Return of unspent funds.

(a) Any unspent funds will be returned to the State.

(b) Any unspent funds not earmarked in the consumer's budget plan for an approved savings purchase will be returned to the State.

Rulemaking Authority 409.919 FS. Law Implemented 409.221, 409.902, 409.906, 409.907, 409.912, 409.913 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-2.003 Inactive Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the education requirement for an inactive renewal of an appraisal management company license.

SUBJECT AREA TO BE ADDRESSED: Inactive Renewal.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.619 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-7.004 Office

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the requirement for an appraisal management company to notify the Department of a business name, mailing address, and telephone number, or any future changes made.

SUBJECT AREA TO BE ADDRESSED: Office.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.623 FS.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-26.601 Standards for Approval of Courses and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify and update the requirements for seeking approval of CE courses.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Continuing Education Courses and Providers.

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.009 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: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:

69A-37.039 Prescribed Forms for Training and Certification

69A-37.065 Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The Department is holding a second workshop to further explore options with the public for the implementation of, pursuant to Section 633.081(8), F.S., an

advanced training and certification program for firesafety inspectors having fire code management responsibilities. The workshop may also include a general discussion of firesafety inspector training and certification requirements and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for firesafety inspectors.

RULEMAKING AUTHORITY: 633.01, 633.081(9), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.081(2), (3), (4), (8), 633.34, 633.35, 633.38, 633.45, 633.046, 633.101(1), 633.45(1)(d) FS.

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

DATE AND TIME: Wednesday, November 2, 2011, 1:15 p.m. – 2:30 p.m. (to be held in conjunction with the rule development workshop for Rule Chapter 69A-39, F.A.C. noticed in this edition of Florida Administrative Weekly)

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092

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: Barry Baker, (352)732-0143 or Barry.Baker@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: Barry Baker, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, (352)732-0143, Barry.Baker@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-39.003	Types of Certification Available
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
69A-39.010	Required Forms for Training and Certification of Firesafety Inspectors

PURPOSE AND EFFECT: The Department is holding a second workshop to further explore options with the public for the implementation of, pursuant to Section 633.081(8), F.S., an advanced training and certification program for firesafety inspectors having fire code management responsibilities. The workshop may also include a general discussion of firesafety inspector training and certification requirements and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for firesafety inspectors.

RULEMAKING AUTHORITY: 633.01, 633.081(9) FS.

LAW IMPLEMENTED: 633.081(2), (3), (4), (8) FS.

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

DATE AND TIME: Wednesday, November 2, 2011, 1:15 p.m. – 2:30 p.m. (to be held in conjunction with the rule development workshop for Rules 69A-37.039, .065, F.A.C. noticed in this edition of Florida Administrative Weekly)

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092

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: Barry Baker, (352)732-1433 or Barry.Baker@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: Barry Baker, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, (352)732-1433, Barry.Baker@myfloridacfo.com

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.045	Candidate Petition Process

PURPOSE AND EFFECT: To update the rule based upon changes brought about Ch. 2011-40, s. 19, Laws of Florida, regarding petition signature verifications and to incorporate into the rule candidate petition forms for presidential and vice presidential candidates.