

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voter Fraud Complaints
RULE NO.: 1S-2.025
PURPOSE AND EFFECT: The purpose of this rule amendment is update the rule to reflect changes in the scope of the Division of Elections’ expanded authority to conduct preliminary investigations into allegations of irregularities and fraud involving registration, voting, and candidate or issue petition activities.

SUBJECT AREA TO BE ADDRESSED: Elections Fraud Complaint Process and Form.

SPECIFIC AUTHORITY: 106.22(9) FS.

LAW IMPLEMENTED: 97.012(12), 106.22(11) FS.

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

TIME AND DATE: 10:30 a.m., Monday, September 19, 2005

PLACE: Rm 307, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State at 1(850)245-6536 no later than September 14, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Violations of the National Voter Registration Act of 1993 and the Florida Election Code
RULE NO.: 1S-2.036

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a uniform complaint form that aggrieved persons must use to submit allegations of violations of the National Voter Registration Act (NVRA) or voter registration or removal procedures under the Florida Election Code.

SUBJECT AREA TO BE ADDRESSED: This rule provides a uniform complaint form for alleged violations of the NVRA or the Florida Election Code.

SPECIFIC AUTHORITY: 97.023, 97.026 FS.

LAW IMPLEMENTED: 97.012(2),(7),(9), 97.023 FS.

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

TIME AND DATE: 10:30 a.m., Monday, September 19, 2005

PLACE: Room 307, R. A. Gray Building, Tallahassee, Florida

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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 I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Reporting Format Requirements
RULE NO.: 1S-2.043

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to prescribe paper and/or electronic format in which to submit certain reports on such matters as precinct boundaries, precinct election results, absentee ballot request information, early voting statistics an unofficial elections required to be submitted to the Division of Elections as set forth in Chapters 2005-277 and 2005-278, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Paper Forms and/or Electronic Formats to Satisfy Reporting Requirements by Supervisors of Elections and Canvassing Boards.

SPECIFIC AUTHORITY: 101.001(3), 101.573(2), 101.62(3), 101.657(2), 102.141(9) FS.

LAW IMPLEMENTED: 101.001, 101.573, 101.62, 101.657, 102.141(9) FS.

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

TIME AND DATE: 10:30 a.m., Monday, September 19, 2005

PLACE: Rm 307, R. A. Gray Building, Florida Department of State, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State at 1(850)245-6536 no later than September 14, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Maria Matthews, Division of Elections/Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536; e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Written Statement Explaining Consumer Rights Under Chapter 681, Florida Statutes; Florida New Motor Vehicle Arbitration Board

RULE NO.: 2-30.001

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide additional definitions of terms located in Chapter 681, F.S., and to update the forms incorporated by reference in Rule 2-30.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Various terms located in Chapter 681, Florida Statutes, and the forms that are incorporated by reference in Rule 2-30.001, F.A.C.

SPECIFIC AUTHORITY: 681.103(3), 681.109(5), 681.1095, 681.118 FS.

LAW IMPLEMENTED: 681.102, 681.103, 681.104, 681.109, 681.1095 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., September 21, 2005

PLACE: Office of the Attorney General, The Leroy Collins Building, Room G19, 107 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3300, e-mail: jan_smith@oag.state.fl.us

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at http://www.dep.state.fl.us/ under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Procedures regarding Employer Contributions	19-11.001
Beneficiary Designation for FRS Investment Plan	19-11.002
Excessive Trading in the FRS Investment Plan	19-11.004
FRS Investment Plan Complaint Procedures	19-11.005
Enrollment Procedures for New Hires	19-11.006
Second Election Enrollment Procedures for the FRS Retirement Programs	19-11.007

PURPOSE AND EFFECT: To discuss a proposed revisions to conform the above-described rules to legislation enacted during the 2004 legislative session.

SUBJECT AREA TO BE ADDRESSED: Employer contributions; beneficiary designations; excessive trading; complaint procedures; enrollment procedures; second election procedures.

SPECIFIC AUTHORITY: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.091(8), 121.051, 121.055, 121.35, 121.4501(2),(3),(4),(5), (6),(8)(a),(9),(13),(14),(15), 121.591(3), 121.73, 121.74, 121.78(3)(b), 215.44(8)(b), 1012.875(3) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Tuesday, September 20, 2005

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Morea at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491, e-mail: morea_cindy@fsba.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON SEPTEMBER 9, 2005.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Acceptance of Rollovers
 RULE NO.: 19-12.007

PURPOSE AND EFFECT: To discuss proposed revisions to conform the above-described rule to legislation enacted during the 2004 legislative session.

SUBJECT AREA TO BE ADDRESSED: IRS and Florida statutory provisions relating to rollovers.

SPECIFIC AUTHORITY: 121.4501(5)(c) FS.

LAW IMPLEMENTED: 121.4501(5)(c) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Tuesday, September 20, 2005

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

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Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491, e-mail: morea_cindy@fsba.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON SEPTEMBER 9, 2005.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Firm Capacity and Energy Contracts
 RULE NO.: 25-17.0832

PURPOSE AND EFFECT: To ensure that the rule comports with the 2005 legislative amendments to Chapter 366, F.S.

SUBJECT AREA TO BE ADDRESSED: Use of renewable resources as a source of fuel.

SPECIFIC AUTHORITY: 350.127, 366.05(1) FS.

LAW IMPLEMENTED: 366.051, 366.81, 366.91 FS.

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

TIME AND DATE: 9:30 a.m., September 12, 2005

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Ballinger, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6680

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Cigarette Tax Division Rule	61A-10
RULE TITLES:	RULE NOS.:
Definition, Cigarette	61A-10.001
Excise Tax Stamps, Definition and Sale of	61A-10.002
Excise Tax, Imposition and Exemption	61A-10.005
Excise Tax Stamps and Meter Imprints, Method of Affixing	61A-10.006
Excise Tax Stamps and Meter Imprints, Limitation of Use	61A-10.007
Refunds	61A-10.008
Sample Packages of Cigarettes	61A-10.009
Sales, Railroads and Other Carriers	61A-10.010
Wholesale Dealers, Monthly Reports	61A-10.011
Manufacturers' Representatives, Reports and Responsibilities	61A-10.012
Transactions, Wholesalers and Manufacturers' Representatives	61A-10.013
Wholesalers, Purchase for Resale Prohibited	61A-10.014
Transfer, Unstamped Cigarettes	61A-10.015
Wholesaler, Distributing Agent or Exporter, Permit Changes	61A-10.016
Drop Shipments, Prohibition	61A-10.017
Invoices Cigarette Sales to Retail Dealers	61A-10.018
Invoices, Other Tobacco Products Sales to Retail Dealers	61A-10.0181

Vending Machines, Restrictions	61A-10.020
Vending Machines Sales and Returns	61A-10.021
Sale of Stamped, Untaxed Cigarettes by Stamping Agents or Wholesale Dealers to Indians for Retail Sale, Reporting	61A-10.026
Interest on Excise Tax; Due Dates	61A-10.027
New Off Premise Storage of Unstamped Cigarettes	61A-10.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to implement statutory provisions and define terms relating to the regulation of cigarette licensing based on Chapter 2005-228, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions and terms defining the regulation of cigarette licensing.

SPECIFIC AUTHORITY: 210.09, 210.10, 210.11, 210.75, 561.11 FS.

LAW IMPLEMENTED: 210.01, 210.02, 210.03, 210.04, 210.05, 210.06, 210.07, 210.09, 210.11, 210.15, 210.185, 210.25, 210.30, 210.55, 210.60, 210.75, 218.215, 218.23, 218.245, 218.25, 218.26, 569.007 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: Angela Desmond, Assistant Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal	64B8-54.002

PURPOSE AND EFFECT: This amendment is necessary to set forth the requirements for returning a retired license to active status and changing status from active to retired status.

SUBJECT AREA TO BE ADDRESSED: Inactive and Retired Licensure Status; Reactivating Licensure Delinquent Renewal. SPECIFIC AUTHORITY: 456.036(15), 478.43(1),(4), 478.50 FS.

LAW IMPLEMENTED: 456.036(2),(4)(b),(12), 478.50 FS.

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

TIME AND DATE: 9:00 a.m., September 12, 2005

PLACE: via Telephone Conference, (850)922-2903

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-54.002 Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal.

(1) Ninety (90) days prior to the end of the biennium, the Department shall mail a notice of renewal to the last known address of the inactive or delinquent license holder contained in the official records of the Department.

(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below, ~~in subsection (3)~~ to the Department, payment of the fees indicated in Section 456.036, Florida Statutes, in the amounts indicated in Rule 64B8-54.004, F.A.C., and compliance with subsection (a) and (b), below the following:

(a) through (b) No change.

(3) If the person holds a Florida retired license eligible for reactivation, he or she may return that license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of subsection 456.036(12), F.S.

~~(4)(3)~~ No change.

(5) A licensee wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.

(6)(4) Failure to renew a ~~the~~ delinquent license to either active, ~~or~~ inactive, or retired status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.

Specific Authority 456.036(15), 478.43(1),(4), 478.50 FS. Law Implemented 456.036(2),(4)(b),(12), 478.50 FS. History—New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Applying for an Active License after 64B8-54.0022
 Period of Inactivity

PURPOSE AND EFFECT: Pursuant to statute, this rule is promulgated to set forth the requirements for applying for an active license when your license has been inactive for a period of time.

SUBJECT AREA TO BE ADDRESSED: Applying for an Active License after Period of Inactivity.

SPECIFIC AUTHORITY: 456.036(1),(15), 478.43(1),(4), 478.45(1)(e) FS.

LAW IMPLEMENTED: 456.036(10), 478.45(1)(e), 478.47 FS.

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

TIME AND DATE: 9:00 a.m., September 12, 2005

PLACE: via Telephone Conference, (850)922-2903

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-54.0022 Applying for an Active License after Period of Inactivity.

(1) Any person applying for an active status license who has been on retired status for 5 years or more, or, if licensed elsewhere, has not been active during the past 5 years shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) If inactive for 7-9 years, retake examination.

(b) If inactive 9 or more years, in addition to paragraph (1)(a), take _____ hours of training in _____:

(2) Any person applying for an active status license by endorsement who has not been active during the past 5 years, shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) If inactive for 7-9 years, retake examination.

(b) If inactive 9 or more years, in addition to paragraph (2)(a), take _____ hours of training in _____.

Specific Authority 456.036(1),(10),(15) FS. Law Implemented 456.036(10) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Fees 64B8-54.004

PURPOSE AND EFFECT: This amendment is necessary to set forth the fees for the initial retired license and the renewal of a retired license and to remove the requirement for a wall certificate license.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(32), 456.036(15), 478.43(1),(4), 478.50, 478.55 FS.

LAW IMPLEMENTED: 456.013, 456.025(2), 456.036(4)(b), 478.50, 578.55 FS.

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

TIME AND DATE: 9:00 a.m., September 12, 2005

PLACE: via Telephone Conference, (850)922-2903

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-54.004 Fees.

(1) through (4) No change.

(5) The initial retired license fee shall be \$50.00.

(6) The renewal of a retired license fee shall be \$50.00.

(5) through (7) renumbered (7) through (9) No change.

~~(8) The fee for a wall certificate of licensure shall be \$25.~~

Specific Authority 456.013(2), 456.036(15), 478.43(1),(4), 478.50, 478.55 FS. Law Implemented 456.013, 456.025(2), 455.036(4)(b), 478.50, 478.55 FS. History--New 9-29-93, Formerly 61F6-79.004, Amended 6-29-95, Formerly 59R-54.004, Amended 2-17-00, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B8-55.001

PURPOSE AND EFFECT: The proposed to amend this rule to set forth violations and penalties for being terminated from or failing to successfully complete a impaired practitioners treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 456.079, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.073, 478.52(4) FS.

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

TIME AND DATE: 9:00 a.m., September 12, 2005

PLACE: Telephone Conference, (850)922-2903

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-55.001 Disciplinary Guidelines.

(1) through (3) No change.

VIOLATION

RECOMMENDED RANGE OF PENALTY

(a) through (r) No change.

(s) Being terminated from or failing to successfully complete an impaired practitioners treatment program (456.072(1)(gg))

(s) Suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated or denial of licensure.

(s) through (nn) renumbered (t) through (oo) No change.

Specific Authority 456.072, 456.079, 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, 478.52(4) FS. History--New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE:

RULE NO.:

Fee for Retired Status

64B19-12.013

PURPOSE AND EFFECT: The Board proposes to create this rule in order to implement Section 456.036, F.S., 2005.

SUBJECT AREA TO BE ADDRESSED: Fee for Retired Status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Retired Status Licenses

64B19-14

PURPOSE AND EFFECT: The Board proposes to create Chapter 64B19-14, F.A.C., entitled Retired Status Licenses in order to implement Section 456.036, F.S., 2005.

SUBJECT AREA TO BE ADDRESSED: Retired Status Licenses.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE:

RULE NO.:

Request for Retired Status

64B19-14.001

PURPOSE AND EFFECT: The Board proposes to create Chapter 64B19-14, F.A.C., entitled Retired Status Licenses in order to implement Section 456.036, F.S., 2005.

SUBJECT AREA TO BE ADDRESSED: Request for Retired Status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Retired Status Licenses
RULE NO.: 64B19-14.003
PURPOSE AND EFFECT: The Board proposes to create Chapter 64B19-14, F.A.C., entitled Retired Status Licenses in order to implement Section 456.036, F.S., 2005.
SUBJECT AREA TO BE ADDRESSED: Reactivation of Retired Status.
SPECIFIC AUTHORITY: 456.036 FS.
LAW IMPLEMENTED: 456.036 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN 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: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Developments	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Determination of Method of Bond Sale	67-21.0045
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of MMRB Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or

rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.
SUBJECT AREA TO BE ADDRESSED: The rule development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2006 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, F.A.C.
SPECIFIC AUTHORITY: 420.507, 420.508 FS.
LAW IMPLEMENTED: 420.509 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 1:00 p.m., September 22, 2005
PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607
 Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING’S WEB SITE WWW.FLORIDAHOUSING.ORG.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Fees	67-48.007
Credit Underwriting and Loan Procedures	67-48.0072
Miscellaneous Criteria	67-48.0075
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013

HOME General Program Procedures and Restrictions 67-48.014
 Match Contribution Requirement for HOME Allocation 67-48.015
 Eligible HOME Activities 67-48.017
 Eligible HOME Applicants 67-48.018
 Eligible and Ineligible HOME Development Costs 67-48.019
 Terms and Conditions of Loans for HOME Rental Developments 67-48.020
 Sale or Transfer of a HOME Development 67-48.0205
 HOME Disbursements Procedures and Loan Servicing 67-48.022
 Housing Credit General Program Procedures and Requirements 67-48.023
 Qualified Allocation Plan 67-48.025
 Tax-Exempt Bond-Financed Developments 67-48.027
 Carryover Allocation Provisions 67-48.028
 Extended Use Agreement 67-48.029
 Sale or Transfer of a Housing Credit Development 67-48.030
 Termination of Extended Use Agreement and Disposition of Housing Credit Developments 67-48.031

PURPOSE AND EFFECT: The purpose of this rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, F.S., and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, F.S.; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, F.S.

SUBJECT AREA TO BE ADDRESSED: The rule development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2006 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, F.A.C., and (2) amendments to the Florida Housing Finance Corporation's 2005 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.
 LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 1:00 p.m., September 22, 2005
 PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmons, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEBSITE WWW.FLORIDAHOUSING.ORG.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Determination of Eligibility to Operate as an Alien Insurer in Florida pursuant to Subsection 624.402(8), Florida Statutes
 RULE NO.: 690-136.018
 PURPOSE AND EFFECT: To adopt the form to provide implementation of the Alien Insurer Exception enacted into law in 2005.

SUBJECT AREA TO BE ADDRESSED: Form implementation of being an Alien Insurer in Florida.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.402(8) FS.

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

TIME AND DATE: 9:30 a.m., September 19, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: bob.norris@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLE: Processing of Applications
 RULE NO.: 69W-301.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 69W-301.002 is to adopt the most current versions of the Form ADV and ADV-W as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the amendment proposes to adopt the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The proposed amendment to Rule 69W-301.002 also seeks to adopt the revisions to the Form U-4 and Form U-5 which make technical revisions and conforming changes to the proposed Form BR. Rules in Chapter 69W-600, F.A.C., will be amended, as appropriate, to conform to the changes in Rule 69W-301.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Adoption of revised forms relative to the securities industry; deletion of approved forms; adoption of newly created forms; deletion of the revision dates to the forms where redundant to other sections.

SPECIFIC AUTHORITY: 517.03, 517.12 FS.

LAW IMPLEMENTED: 120.53, 120.60, 517.051, 517.081, 517.082, 517.12, 517.1201, 517.1205, 517.161 FS.

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

TIME AND DATE: 10:00 a.m., September 19, 2005

PLACE: 101 East Gaines Street, Room 547, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela P. Epting, Bureau Chief, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLES:	RULE NOS.:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser	69W-600.001
Application for Registration as Associated Person	69W-600.002
Registration of Issuer/Dealers, Principals and Branch Offices	69W-600.004
Changes in Name and Successor Registration Requirements	69W-600.007

Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	69W-600.008
Investment Adviser Registration Depository for Federal Covered Advisers	69W-600.0092
Investment Adviser Registration Depository for Investment Advisers	69W-600.0093

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is being amended to adopt the most current versions of the Form ADV and ADV-W as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the amendment proposes to adopt the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The proposed amendment to Rule 69W-301.002, F.A.C., also seeks to adopt the revisions to the Form U-4 and Form U-5 which make technical revisions and conforming changes to the proposed Form BR. Rules in Chapter 69W-600, F.A.C. are being amended, as described below, to conform to the changes in Rule 69W-301.002, F.A.C.

The purpose of the proposed amendment to Rule 69W-600.001, F.A.C., is to delete the reference to the revision date for the Form BD, Form ADV and Form U-4, as this information is reflected in Rule 69W-301.002, F.A.C. The purpose of the proposed amendment to Rule 69W-600.002, F.A.C., is to delete the reference to the revision date for the Form U-4, as this information is reflected in Rule 69W-301.002, F.A.C. An additional amendment to Rule 69W-600.002, F.A.C., is to correct a spelling error in the Rule. The purpose of the proposed amendment to Rule 69W-600.004, F.A.C., is to adopt the Form BR and delete reference to the current form OFR-DA-1-91. An additional amendment to Rule 69W-600.004, F.A.C., is to update the Rule with the Office's current internet address. The purpose of the proposed amendment to Rule 69W-600.007, F.A.C., is to delete the reference to the revision date for the Form BD and Form ADV, as this information is reflected in Rule 69W-301.002, F.A.C. The purpose of the proposed amendment to Rule 69W-600.008, F.A.C., is to delete the reference to the revision date for the Form BDW, Form ADV-W and Form U-5, as this information is reflected in Rule 69W-301.002, F.A.C. An additional amendment to 69W-600.008 is to amend the approved branch office form from OFR-DA-1-91 to Form BR. The purpose of the proposed amendments to Rules 69W-600.0092 and 69W-600.0093, F.A.C., is to delete the reference to the revision date for the Form ADV, Form ADV-W, Form U-4 and Form U-5, as this information is reflected in Rule 69W-301.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Adoption of revised forms relative to the securities industry; deletion of approved forms; adoption of newly created forms; deletion of the revision dates to the forms where redundant to other sections.

SPECIFIC AUTHORITY: 517.03, 517.12 FS.

LAW IMPLEMENTED: 120.53, 120.60, 517.051, 517.081, 517.082, 517.12, 517.1201, 517.1205, 517.161 FS.

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

TIME AND DATE: 10:00 a.m., September 19, 2005

PLACE: 101 East Gaines Street, Room 547, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela P. Epting, Bureau Chief, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

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

impaired, please contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Tallahassee, Florida 32399-0379, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.026 Alternative Procedure for Voting by Absentee Ballot.

Specific Authority 101.015 FS. Law Implemented 101.657 FS. History--New 9-20-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dawn K. Roberts, Director, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2005, by David E. Mann, Assistant Secretary of State

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Alternative Procedure for Voting by Absentee Ballot
RULE NO.: 1S-2.026

PURPOSE AND EFFECT: Rule 1S-2.026, F.A.C., will be repealed to reflect updates to the Florida Election Code which has rendered this rule obsolete. The alternative procedure for voting by absentee ballot in person has been replaced by provisions for early voting as set forth in Chapter 2004-252, Laws of Florida.

SUMMARY: Repeal of obsolete rule relating to alternative voting procedure.

SPECIFIC AUTHORITY: 101.015 FS.

LAW IMPLEMENTED: 101.657 FS.

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

TIME AND DATE: 10:30 a.m., Monday, September 26, 2005

PLACE: Heritage Hall, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Please contact the Department of State no later than September 14, 2005, if you will be need special accommodations to participate in this workshop. Contact Nancy Whitfield, 1(850)245-6536. If you're hearing or speech

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices for Florida Vegetable and Agronomic Crops
RULE CHAPTER NO.: 5M-8

RULE TITLES: Purpose Approved BMPS Presumption of Compliance Notice of Intent to Implement Record Keeping
RULE NOS.: 5M-8.001 5M-8.002 5M-8.003 5M-8.004 5M-8.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to inspection.