

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs
RULE NO.: 1B-2.011
PURPOSE, EFFECT AND SUMMARY: The purpose of this amendment is to revise the grant agreement for the Community Libraries in Caring grant program. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW: (The hearing must be requested in writing by 5:00 p.m. Eastern Time, Thursday, December 29, 2005. If not requested, this hearing will not be held.)

TIME AND DATE: 9:00 a.m. Eastern Time, Wednesday, January 4, 2006

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250; (850)245-6600; SUNCOM 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

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

(g) The Community Libraries In Caring Program Application, effective 11-06-04; which contain instructions and application (Form DLIS/CLIC01), effective 11-06-04; Annual Report (Form DLIS/CLIC02), effective 11-06-04, and Grant Agreement (Form DLIS/CLIC03, effective 11-06-04, revised.

(3) through (4) No change.

Specific Authority 257.14, 257.15, 257.191, 257.192, 257.193, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.193, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith A. Ring, Director, Division of Library and Information Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Written Statement Explaining Consumer Rights Under Chapter 681, Florida Statutes; Hearings Before 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, Florida Statutes, and to update the forms incorporated by reference in Rule 2-30.001, F.A.C.

SUMMARY: The forms utilized by the Lemon Law Arbitration Program that are incorporated by reference in the rule are amended to reflect updated program procedures and statutory amendments. The definitions of “Repair attempt” and “Out-service-day” are amended to add the statutory term “nonconformity.” A definition of “gross vehicle weight,” is being added, along with a definition of “miles attributable to a consumer.” Paragraph 2-30.001(1)(d), F.A.C., is eliminated as a result of statutory amendment. The rule is also amended to add a requirement that manufacturers of motor vehicles sold in Florida provide written notification to the Office of Attorney General, Lemon Law Arbitration Program giving the name and contact information of the person designated to receive notices on behalf of the manufacturer.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 – 11:00 a.m., January 5, 2006

PLACE: Office of the Attorney General, The Leroy Collins Building, Room G19, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3500, email: jan_smith@oag.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

2-30.001 Written Statement Explaining Consumer Rights Under Chapter 681, Florida Statutes; Hearings Before Florida New Motor Vehicle Arbitration Board.

(1) The following documents are incorporated into these rules by reference:

~~(a) The publication entitled “Preserving Your Rights Under the Florida Lemon Law” DLA/LL001 (7/92), effective 6-25-96.~~

~~(b) The form entitled “Request for Arbitration,” DLA/LL-004 (rev. 2/96), effective 6-25-96.~~

~~(a)(e) The form entitled “Manufacturer’s Answer,” DLA/LL-006 (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(b)(d) The forms entitled “Consumer’s Prehearing Information Sheet and Manufacturer’s Prehearing Information Sheet,” DLA/LL-007 and DLA/LL-007a (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(c)(e) The forms entitled “Notice of Hearing,” DLA/LL-008 (rev. ____ 3/98) and DLA/LL-008a, effective ____ 9-15-98.~~

~~(d)(f) The publication entitled “Hearings Before the Florida New Motor Vehicle Arbitration Board,” DLA/LL-010 (rev. ____ 2/96, effective ____ 6-25-96.~~

~~(e)(g) The publication entitled “Consumer Guide to the Florida Lemon Law,” DLA/LL-011 (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(f)(h) The form entitled “Notice of Hearing via Telephone Conference,” DLA/LL-008b (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(i) The form entitled “Request for Mediation/Arbitration,” DLA/LL-012 (3/98), effective 9-15-98.~~

~~(g)(j) The form entitled “Request for Arbitration,” DLA/LL-005 (rev. ____ 3/98), effective ____ 9-15-98.~~

(2) For purposes of this rule chapter and the application of Chapter 681, F.S., the following definitions shall apply:

(a) Condition – A general problem (e.g., vehicle fails to start, vehicle runs hot, etc.) that may be attributable to a defect in more than one part.

(b) Repair attempt – The replacement of a component, or some adjustment made, to correct a nonconformity ~~substantial defect or condition covered by the manufacturer’s warranty~~. An examination of a reported nonconformity ~~defect or condition~~, without a subsequent adjustment or component

replacement, may constitute a repair attempt if it is later shown that repair work was justified. Examination or repair performed by anyone other than the manufacturer or its authorized service agent will not be considered a repair attempt.

(c) Out-of-service day – Any day, including weekends and holidays, when the motor vehicle is left at an authorized service agent or manufacturer’s designated repair facility for an examination or repair of one or more nonconformities ~~substantial defects or conditions covered by the manufacturer’s warranty~~. The number of out-of-service days for each visit commences the day the vehicle is brought in to the repair facility for that repair work and ends the day the work is completed. If the vehicle is left at an authorized service agent for the performance of routine maintenance, repairs of minor defects, or repairs of ~~of~~ ~~on~~ defects first reported after the expiration of the Lemon Law Rights period, such days will not be considered out-of-service days.

~~(d) When calculating the running of the Lemon Law rights period as defined in Section 681.102(9), F.S. (1995), “24,000 miles of operation” means miles of operation by the consumer. If the consumer is a subsequent transferee as defined in Section 681.102(4), F.S., “24,000 miles of operation” means miles of operation by both the original consumer and the subsequent transferee.~~

~~(d) Gross vehicle weight – means the net, curb or actual weight of the truck, plus the weight of the load normally carried in it, including normal occupant(s), fuel and cargo.~~

~~(e) To calculate the reasonable offset for use defined in Section 681.102(20), F.S., “miles attributable to a consumer” shall not include the following:~~

~~1. Miles driven by the manufacturer or its authorized service agent during the course of an examination or repair of the nonconformity or nonconformities;~~

~~2. Reasonable miles driven by a consumer, or miles driven by a manufacturer or authorized service agent, to and from a manufacturer’s authorized service agent or designated repair facility for examination or repair of a nonconformity;~~

~~3. A pre-mediation or pre-arbitration test drive or inspection conducted by a manufacturer, its authorized service agent or an independent inspector appointed by a procedure;~~

~~4. Miles driven to an arbitration hearing or mediation conference conducted by a procedure, program or the board;~~

~~5. A test drive or inspection during a mediation conference or an arbitration hearing by or at the direction of a mediator or arbitrator of a procedure, program or the board.~~

(3) When a manufacturer responds to the written notification of a final repair opportunity set forth in Section 681.104(1)(a), F.S., the consumer must receive such response within 10 days from the date the manufacturer received the written notification from the consumer.

~~(4) Each manufacturer of motor vehicles sold in Florida must provide in writing the name, address, telephone number and facsimile number of the person designated to receive~~

notices on behalf of the manufacturer under Chapter 681, F.S. An Email address may be included. (Note: Dealers cannot be designated.) This written notice must be sent to the Office of the Attorney General, Lemon Law Arbitration Program, PL-01, The Capitol, Tallahassee, Florida 32399-1050. This information will be presumed correct unless it is updated in writing by the manufacturer. Failure to update the information will result in notices under Chapter 681, Florida Statutes (the "Lemon Law"), being mailed to the manufacturer's last known address.

Specific Authority 681.103(3), 681.109(5), ~~681.109(8)~~, 681.1097, 681.118 FS. Law Implemented 681.102, 681.103, 681.104, 681.109, 681.1095, 681.1097 FS. History--New 1-25-89, Amended 3-4-93, 6-25-96, 9-15-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet L. Smith

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2005

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005 and October 7, 2005

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."

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

Optical Establishment

RULE TITLE: RULE NO.:

Optical Establishment Inspection 64B29-1.002

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule text.

SUMMARY: This amendment limits the requirement that there be a colmascope to only when glass lenses are made at the establishment.

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

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

SPECIFIC AUTHORITY: 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.012, 484.014, 484.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B29-1.002 Optical Establishment Inspection.

(1) No change.

(2) The inspection of the optical establishment shall include the following:

(a) through (c) No change.

(d) Determination that the minimum equipment required by Rule 64B12-10.007, F.A.C., is maintained in each office in which an optician practices opticianry. The equipment required is pupillary gauges, thickness gauge, one set of hand tools necessary for fitting of eye glasses, one lensometer or vertometer or similar instrument, one colmascope or similar instrument if glass lenses are manufactured on the premises, one frame heater, one lens measure, set of sample frames and mountings, keratometer or similar instrument and slit lamp or similar instrument if fitting and adapting contact lenses, and a set of trial soft contact lenses, if fitting and adapting contact lenses.

(e) through (f) No change.

Specific Authority 484.007, 484.014, 484.015 FS. Law Implemented 484.007, 484.012, 484.014, 484.015 FS. History--New 5-27-03, Amended 8-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005