

(5) Co-existing Conditions. Each of the conditions detailed in subsections ~~65A-4.203(2)~~ through (4) above, ~~F.A.C.~~, must exist in order for an exemption from assistance time limits due to the provision of care for a disabled family member to be granted.

(6) Welfare Transition Employment and Training. Care of a family member with a disability is an exemption from considered good cause for not meeting program work activity requirements. Individuals meeting the criteria for an exemption from the time limits are not required to work register. ~~A parent or caretaker relative of a disabled family member who attends school full time will be considered to be work eligible in accordance with 45 C.F.R. §261.2(n)(2)(i), will not meet the criteria for an exemption from the time limit, and must work register.~~

(7) Two Parent Families. When two or more able-bodied parents live in the household with the disabled family member, only one parent will be allowed an exemption to program time limits due to responsibility for care of a disabled family member.

(8) Periodic Evaluation of Exemption. The exemption from time limits will be reevaluated annually for TCA temporary cash assistance.

(9) A copy of the CF-ES 2094 ~~is available~~. ~~Statement of the Need for Care may be obtained from the ACCESS Florida Headquarters Office Department of Children and Family Services, ACCESS Florida, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site at http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx.~~

Rulemaking Specific Authority 414.45, 414.065(4)(g) FS. Law Implemented 414.105(9) FS. History--New 4-27-99, Amended 9-3-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly.

The rule has been changed to delete three specific authority references. The rule also incorporates by reference guidelines and forms relating to the State Aid to Libraries Grant Program. Changes have been made to the guidelines and forms for the State Aid to Libraries Grant Program in response to comments received. Copies of the full text of the changes may be obtained by contacting Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, by phone at (850)245-6620, or by e-mail at mdeeney@dos.state.fl.us;

THE FULL TEXT OF THE RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended xx-xx-xxxx, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03, amended xx-xx-xxxx; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03, amended xx-xx-xxxx; Grant Agreement, effective 12-28-03, amended xx-xx-xxxx; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03, amended xx-xx-xxxx; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03, amended xx-xx-xxxx; State Aid to Libraries Required Documents Checklist (Form DLIS/SA05), effective xx-xx-xxxx.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective

1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended 1-24-2008 which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-2008; Mid-Year Report (Form DLIS/LCG02) effective 1-24-08, Annual Report Form (Form DLIS/LCG03) effective 1-24-08, ~~and~~ Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04~~2~~), effective 4-1-98, amended 4-4-00, amended 1-24-2008, Grant Agreement (Form DLIS/LCG05), effective 1-24-08 and the FLIN Manual, effective 1-24-08.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants,

Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Rulemaking Specific Authority 257.14, 257.191, 257.192, 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, 257.195, 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, 11-16-04, 2-21-06, 2-21-07, 1-24-08, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.00821
 RULE TITLE: Florida Educational Leadership Examination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

Sub-subparagraph (4)(a)1.b. is amended to read:

b. Before September 1, 2009, an eighty-five (85) dollar first-time registration fee and a hundred (100) dollar fee for each retake registration. Beginning with the effective date of this rule September 1, 2009, a two hundred fifteen (215) ~~four hundred thirty (430)~~ dollar fee for each first-time registration and a two hundred twenty-five (225) ~~four hundred fifty (450)~~ dollar fee for each retake registration.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 27, July 10, 2009 issue of the Florida Administrative Weekly.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 23, June 12, 2009 issue of the Florida Administrative Weekly.

The text of the rule has been substantially amended to read:

60BB-8.205 Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program

(1) Coalition Advance Payment. In order that early learning coalitions can make advance payments to Voluntary Prekindergarten Education (VPK) providers, during the first month of each fiscal year, contingent upon funding availability, the Agency for Workforce Innovation (Agency) shall provide an advance payment to each early learning coalition. The coalition advance payment shall also be used to offset actual coalition expenditures and shall be fully offset or repaid prior to submission of the final invoice for the fiscal year. Each coalition advance payment shall be equal to the school-year base student allocation divided by twelve (12) multiplied by the highest monthly VPK program enrollment, as defined in Rule 60BB-8.100, F.A.C., at the coalition during the previous fiscal year, however, the Agency retains the discretion to increase or decrease the amount of the coalition advance payment based on student enrollment projections or availability of funds.

(2) Provider Advance Payments.

(a) A private VPK program provider or school district may choose to receive monthly advance payments for each VPK class instead of receiving payments in accordance with the Agency's uniform attendance policy under Rule 60BB-8.204, F.A.C. The private VPK provider or school district shall notify its early learning coalition in writing at the time the provider or district enters into a VPK Provider Agreement with the coalition regarding whether it has or has not chosen to receive advance payments for its VPK classes.

(b) Each early learning coalition shall make advance payments to its private VPK providers or school districts which have chosen to receive advance payments no later than the last day of the month prior to the month for which the private provider or school district is receiving an advance payment except that advance payments for the month of July shall be made no later than the tenth (10th) day of July.

(c) Private providers or school districts that choose to accept monthly advance payments shall receive an advance payment for each month of the VPK class, which shall be reconciled on a monthly basis against actual student attendance for the month, and may receive a final reconciliation payment following the conclusion of the VPK class instruction.

(3) Advance Payment Calculation.

(a) Each coalition shall calculate and reconcile the amount of each monthly advance payment using the statewide information system. Each monthly advance payment shall be equal to the sum of the number of instructional hours each

student enrolled in the class is scheduled to attend in the month multiplied by ninety-five (95) percent of the class hourly rate unless the private provider or school district received excess advance payment or should receive an additional payment as described in paragraph (3)(b) of this rule. The class hourly rate shall be equal to the county's allocation per child as calculated in accordance with Section 1002.71(3), F.S., divided by the total number of hours in the VPK program type (school-year or summer) being offered.

(b) At the conclusion of each month, each coalition shall reconcile the advance payments made to a private provider or school district in each previous month with the amount of payment the private provider or school district would have received for the month under Rule 60BB-8.204, F.A.C., to determine if the private provider or school district has received an excess advance payment or should receive additional payment.

1. An excess advance payment is an advance payment for a month which exceeds the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district receives an excess advance payment, the coalition shall reduce the next advance payment by the difference between the excess advance payment and the payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is not entitled to a subsequent advance payment, the difference shall be an overpayment.

2. An additional payment owed is an advance payment for a month which is less than the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is owed an additional payment, the coalition shall increase the private provider or school district's next advance payment by the difference between the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C., and the amount of the advance payment. If the private provider or school district is not entitled to a subsequent advance payment, the coalition shall increase the final reconciliation payment by the difference.

(4) Final Reconciliation. At the conclusion of the VPK class, the coalition shall calculate the total amount of payment which should be made to the private VPK provider or school district for the class in accordance with Rule 60BB-8.204, F.A.C. If the total amount of payment made for the VPK class is less than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the coalition shall pay the difference to the private provider or school district as a final reconciliation payment. If the total amount of payment made for the VPK class is greater than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the difference shall be an overpayment.

(5) Overpayment.

(a) If the coalition determines that a private VPK provider or school district received payment in an amount greater than the amount earned by the private provider or school district, resulting in a negative reconciliation payment calculation, the coalition shall make reasonable efforts to collect the overpayment. Reasonable efforts include but are not limited to informing the private provider or school district of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the private provider or school district has received an overpayment and after making a reasonable effort, as determined by the Agency, the coalition shall provide all information necessary for the Agency to act to collect the overpayment. The Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or, if the coalition has failed to make reasonable efforts to recover the overpayment, to consider the overpayment to be a disallowed expenditure of the coalition.

Rulemaking Authority 1002.75(2)(h), 1002.75(4), 1002.79(2) FS. Law Implemented 1002.71(5)(b), 1002.75(2)(h), 1002.75(4) FS. History–New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: RULE TITLE:
62B-26.001 Description of the Walton County Coastal Construction Control Line

NOTICE OF CORRECTION TO NOTICE OF CHANGE

The following notice was printed incorrectly in the July 17, 2009 issue of the Florida Administrative Weekly.

The following language was inadvertently omitted from the notice:

“The Metes and Bounds Description of the Coastal Construction Control Line of Walton County, Florida as published in the notice of proposed rulemaking remains unchanged.”

The notice should read as follows

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

(1) There is hereby established, pursuant to Section 161.053, F.S., the revised Walton County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule amendment shall take effect on the date of filing with the Florida Department of State and shall be that it is duly recorded in the public records in the office of the Clerk of the Circuit Court, in and for Walton County, Florida, together with each affected municipality.

(3) After this rule amendment becomes effective, a permit, under Section 161.053, F.S. and Chapter 62B-33, F.A.C., to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

Rulemaking Authority 161.053(21) 370.021(4) FS. Law Implemented 161.053 FS. History–New 5-13-75, Amended 12-29-82, Formerly 16B-26.01, 16B-26.001, Amended _____.

“The Metes and Bounds Description of the Coastal Construction Control Line of Walton County, Florida as published in the notice of proposed rulemaking remains unchanged.”

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: RULE TITLE:
64H-2.002 Institutional Review Board Applications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ronique Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte-Ros

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2009

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:
64J-2.010 Apportionment of Trauma Centers within a Trauma Service Area (TSA)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-241.010	Purpose
69B-241.020	Scope
69B-241.030	Definitions
69B-241.040	Calculating Penalty
69B-241.070	Departmental Discretion
69B-241.080	Penalties for Violation of Section 648.44, F.S.
69B-241.090	Penalties for Violation of Section 648.45, F.S.
69B-241.100	Penalties for Violation of Other Specific Provisions of the Insurance Code
69B-241.110	Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.
69B-241.120	Penalties for Violation of Other Insurance Code Provisions
69B-241.130	Penalties for Violation of Other Department Rules
69B-241.140	Penalties for Violation of Department Orders
69B-241.150	Criminal Proceedings
69B-241.160	Aggravating/Mitigating Factors
69B-241.165	Imposition of Administrative Fine In Lieu of Suspension
69B-241.170	Field Office Settlement Stipulation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule Development, as advertised on July 17, 2009, referenced the incorrect website address.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DEPARTMENT’S DIVISION OF AGENT AND AGENCY SERVICES WEBSITE AT: <http://www.MyFloridaCFO.com/agents/Industry/Laws-Rules/docs/BBPenGuide.doc>

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-34	GOLD RUSH Strike It Rich Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a GOLD RUSH Strike It Rich Second Chance Drawing, between July 14 and August 25, 2009, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-34 GOLD RUSH Strike It Rich Second Chance Drawing.

(1) Beginning Tuesday, July 14, 2009 through Monday, August 24, 2009, players can enter their non-winning GOLD RUSH game number 750 scratch-off ticket(s) in the Strike It Rich Second Chance Drawing on the Florida Lottery website to win a one-kilo, 999.9 gold bar or a one-ounce, 22-karat gold American Eagle gold coin.

(2) Computerized drawings will be held on Tuesday, July 28, Tuesday, August 11 and Tuesday, August 25, 2009 to award a grand total of sixty-three (63) prizes. In each of the three Strike It Rich second chance drawings, twenty-one (21) prizes will be awarded. The first entry drawn will win a one-kilo 999.9 gold bar. The second through 21st entries drawn will win a one-ounce, 22-karat American Eagle gold coin.

(3) To enter non-winning GOLD RUSH ticket(s) in the Strike It Rich Second Chance Drawing, players must visit the Florida Lottery’s website at www.flalottery.com, click on the Strike It Rich Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is located below the play area on the front of a GOLD RUSH Scratch-Off ticket. Scratch off the latex covering to reveal the 22-digit ticket number. Winning GOLD RUSH tickets cannot be used for entry in the second chance drawings. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, entries will be good for one drawing only and each valid ticket number may only be used one time for one entry into the drawings. Entries received before 12:00 midnight ET on the night before a drawing will be included in the drawing.

(4) The results of each weekly drawing will be posted on the Lottery’s website, www.flalottery.com on the day of the draw. Winners will have 180 days from the applicable draw date to claim their prize. The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility for claiming a prize remains with the player. Failure of a prizewinner to claim