

Section I		5J-17.038	Guidelines for Sharing
Notices of Development of Proposed Rules and Negotiated Rulemaking			Department-Developed Examinations With Other States' Licensing Authorities
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES		5J-17.0381	Translations
Division of Agricultural Environmental Services		5J-17.039	Licensure, Inactive Status, Delinquent Status, Reactivation
RULE NO.:	RULE TITLE:	5J-17.041	Continuing Education Credit for Biennial Renewal
5E-2.040	Pesticide Active Ingredients Subject to Supplemental Registration Fee	5J-17.044	Obligations of Continuing Education Providers
PURPOSE AND EFFECT: The Department's purpose in revising this rule is to achieve compliance with Section 487.041(1)(d), F.S.		5J-17.047	Approval of Classes
SUBJECT AREA TO BE ADDRESSED: Pesticide active ingredients that have a food residue tolerance as established in 40 Code of Federal Regulations, Part 180 and that are subject to a supplemental registration fee.		5J-17.080	Citations
RULEMAKING AUTHORITY: 487.041(1)(d) FS.		5J-17.082	Mediation
LAW IMPLEMENTED: 487.041(1)(d) FS.		5J-17.085	Survey Review
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.		5J-17.102	Financial Integrity of the Board
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Dennis Howard, Bureau Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399; (850)487-0532		5J-17.200	Definitions
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.		5J-17.203	Examinations for Licensure of Foreign-Trained Exiled Professionals
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES		5J-17.204	Graduation Documentation, Verification by Professional Association in Exile
Division of Consumer Services		5J-17.206	Three Years Lawful Practice for Foreign Trained Exiled Professionals
RULE NOS.:	RULE TITLES:	5J-17.208	Pre-examination Continuing Education Program for Foreign Trained Exiled Professionals
5J-17.016	Time for Compliance With Final Order; Probation	5J-17.210	Fees for Foreign Trained Exiled Professionals
5J-17.029	Application Deadlines	5J-17.400	Special Assessment Fee
5J-17.030	Certification of Eligibility for Examination and Notification to Applicants	PURPOSE AND EFFECT: The proposed rules establish administrative rules for the Board of Professional Surveyors and Mappers relating to the regulation of licensed professionals. The purpose of the proposed rules includes, in part, new rules similar to the previous Departmental Rules covering the Board, when the Board was located within the Department of Business and Professional Regulation. Due to a Type Two transfer to the Department of Agriculture and Consumer Services, the Board must adopt certain rules to maintain continuity in Board operations. If adopted, the proposed language in Rule 5J-17.016, F.A.C., will clarify the language of the existing rule regarding disciplinary fines and probation. If adopted, the proposed language in Rule 5J-17.029 and Rule 5J-17.030, F.A.C., will set procedural rules and deadlines for the submission of applications. If adopted, the proposed rules in Rules 5J-17.0321 through 5J-17.0381, F.A.C., as referenced above, will address the administration of exams. If adopted, the proposed language in Rule 5J-17.039, F.A.C., will further define licensure status and the biennial renewal of a license. If adopted, the proposed language in Rules 5J-17.041 through 5J-17.047, F.A.C., as referenced above, will change existing rules regarding continuing	
5J-17.0321	Examination Administration		
5J-17.0322	Licensure Examination Format and Procedures for Candidates with Disabilities		
5J-17.034	Grading		
5J-17.035	Use of Pilot Test Items in Examinations		
5J-17.036	Grades Review Procedure		

education, including instructor credit, course length, course submission, and the requirement that instructors be approved by the Board. If adopted, the proposed language in Rules 5J-17.80 through 5J-17.085, F.A.C., as referenced above, would change existing rules regarding citations, mediation, and probation, establish procedures for the issuing of citations, establish citation fine amounts for unlicensed persons, establish procedures for the mediation of discipline cases, repeal certain offenses from eligibility for mediation, and clarify when probationers must submit surveys for review by the Board. If adopted, the proposed language in Rules 5J-17.102, F.A.C., will define certain terms regarding the financial integrity of the Board, creates procedures for the Department to follow when reporting to the Board that the Board no longer has a reasonable cash balance on hand, establishes procedures for the Board to follow if requesting a loan from the Department, and prohibiting loans that extend beyond two years by the Department to the Board. If adopted, the proposed language in Rules 5J-17.200 through 5J-17.210, F.A.C., as referenced above, will establish licensure and examination procedures for certain foreign exiled professionals. If adopted, the proposed language in Rule 5J-17.400, F.A.C., will require certain licensees to pay a one-time fee to help maintain the financial integrity of the Board.

SUBJECT AREA TO BE ADDRESSED: As stated above, the subject area of the proposed rules include: Licensure, Discipline, Probation, Examinations, Continuing Education, Licensure of Foreign Trained Exiles, and a Special Assessment Fee Against Licensees.

RULEMAKING AUTHORITY: 472.006, 472.006(5), 472.008, 472.0101, 472.011, 472.011(12), 472.013, 472.0131, 472.0131(3), 472.018, 472.034 FS.

LAW IMPLEMENTED: 120.60, 472.0101, 472.011, 472.011(12), 472.013, 472.0131, 472.0131(3), 472.015, 472.018, 472.0202, 472.033(2), 472.034, 472.0351, 472.0351(2), 472.036 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: September 7, 2010, 2:30 p.m.
PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

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: Bennett M. Miller, Esquire at (850)410-3834. 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: Bennett M. Miller, Esq., 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3834

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

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-62.003
RULE TITLE: Building Permit Surcharge Collection and Remittance

PURPOSE AND EFFECT: To review the provisions of the rule regarding means of calculating the surcharge transmitted to the Operating Trust Fund and account for the electronic remittance of the surcharge.

SUBJECT AREA TO BE ADDRESSED: Subsections 9B-62.003(1), (2), F.A.C., Building Permit Surcharge Collection and Remittance.

RULEMAKING AUTHORITY: 553.721 FS.

LAW IMPLEMENTED: 553.721 FS.

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

DATE AND TIME: September 15, 2010, 10:00 a.m.
PLACE: Department of Community Affairs, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

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

DEPARTMENT OF LAW ENFORCEMENT
Division of Local Law Enforcement Assistance

RULE NO.: 11D-2.001
RULE TITLE: Methamphetamine Precursor Electronic Monitoring System

PURPOSE AND EFFECT: Rule 11D-2.001, F.A.C. is created to implement Florida Statute Section 893.1495 to provide pharmacies and retailers an electronic recordkeeping system to record the real-time purchase of products containing ephedrine or related compounds for the purpose of monitoring this information to prevent or investigate illegal purchases of these products. Access to the approved electronic recordkeeping system shall be provided to a pharmacy or retailer without any additional cost or expense. Tracking of the purchase of the products must be implemented by January 1, 2011 or sooner.

SUBJECT AREA TO BE ADDRESSED: Methamphetamine Precursor Electronic Monitoring System.

RULEMAKING AUTHORITY: 893.1495(15), 943.03(4) FS.

LAW IMPLEMENTED: 893.1495 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: Monday, August 30, 2010, 9:30 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

DATE AND TIME: Tuesday, August 31, 2010, 9:30 a.m.

PLACE: Florida Department of Law Enforcement, 500 W. Robinson Street, Orlando, FL 32801-1771

DATE AND TIME: Thursday, September 2, 2010, 9:30 a.m.

PLACE: Florida Department of Law Enforcement, 1030 N.W. 111th Avenue, Miami, FL 33172

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: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Statewide Intelligence, 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 IS: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-2.001 Methamphetamine Precursor Electronic Monitoring System.

(1) A pharmacy or retailer conducting business within the state of Florida who engages in the sale or dispensing of any nonprescription compound, mixture, or preparation containing

ephedrine or related compounds shall be required to participate in the electronic Methamphetamine Precursor Monitoring System.

(2) Definitions:

(a) "Department" means the Florida Department of Law Enforcement (FDLE).

(b) "Exemption" refers to the two part criteria outlined in Section 893.1495(5)(b), F.S., which states: "a pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period."

(c) "National Precursor Log Exchange" (NPLEx) refers to the FDLE approved electronic Methamphetamine Precursor Monitoring System.

(d) "Retailer" refers to any person, entity, or business, within the state of Florida, who engages in the sale or dispensing of nonprescription compounds, mixtures, or preparations containing ephedrine or related compounds, ephedrine or related products that does not meet the criteria in Section 893.1495(5)(b) or 893.1495(10), F.S.

(3) Each retailer who engages in the sale or dispensing of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall contact the Department to enroll in NPLEx. Requests for information, enrollment, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for NPLEx), by telephone at (850)410-8300, by email to NPLEx@fdle.state.fl.us, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(4) Exemptions. The Department shall grant an exemption from electronic reporting to a retailer, upon request, if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.

(a) The "technology necessary to access NPLEx" requires a working computer and any Internet connection.

(b) The "30 day period" for the purpose of determining an exemption shall be calculated from the 1st day of each calendar month.

(c) The retailer's request for an exemption shall be made by completing FDLE Exemption form, FDLE I&FS-012, created 08/16/2010, and hereby incorporated by reference. The form is available online or can be obtained by contacting the Department. See subsection (3) above for contact information.

(d) The Exemption form must be completed in its entirety, signed by the retailer or retail manager claiming the exemption, and notarized by a notary public.

(e) The Department will review the request for exemption, and will grant or deny the request within 14 business days.

1. If the retailer disagrees with the Department’s decision, the retailer may request, in writing, reconsideration of the denial for exemption based upon mistake of fact or law.

2. The request must state the basis for reconsideration and provide any documentation that is available to support the request.

3. The Department will provide a written response to the request for reconsideration.

(f) A retailer must maintain the exemption letter within its place of business, and make it available upon request by any law enforcement officer.

(g) A retailer granted an exemption in this section must notify the Department, in writing, and within 5 days of the completion of the reporting period, of any change in its exemption status regarding the sales volume of ephedrine or related compounds within the 30 day reporting period, or of obtaining the technology to access NPLEEx.

(5) The Department will provide an FDLE NPLEEx Administrator:

(a) Who will be responsible for reviewing, approving or denying and responding to requests for exemption from participation in NPLEEx, and

(b) Who will be responsible for communication between the Department and the 3rd party administrator selected to administer NPLEEx on all matters to include but not limited to: compliance with system requirements, system enhancements, and ensuring the availability of system training for retailers and law enforcement who need access to the system.

Contact information is provided in subsection (3) above.

(6) Retailers Duty to Maintain Logbook.

(a) Should a transaction occur during a period in which NPLEEx is inoperable due to states of declared emergency, natural disaster, or other acts of God, the retailer must:

(b) Maintain a written log capturing all required information and enter the transaction data into NPLEEx within seventy-two (72) hours of the system becoming operational.

(c) Should a retailer be granted an exemption from participation in NPLEEx, it is still the duty of any retailer within the state of Florida to maintain a logbook in compliance with the federal Combat Methamphetamine Epidemic Act of 2005, as specified in Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and Section 893.1495, F.S. (2009).

(7) Law Enforcement Access to NPLEEx.

(a) Information contained within NPLEEx is available to law enforcement officers, designated by their agency, for law enforcement purposes, pursuant to Section 893.1495, Florida Statutes (2009).

(b) A law enforcement agency may request access to NPLEEx. Requests for information, participation, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for NPLEEx), by telephone at (850)410-8300, by email to

NPLEEx@fdle.state.fl.us, or in writing to FDLE NPLEEx Administrator, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302-1489.

(c) Each law enforcement agency requesting access to the system will identify a single point of contact to be referred to as an “Agency Account Manager,” who will responsible for communicating new account requests and closing of account requests for its law enforcement officers.

Rulemaking Authority 893.1495(15), 943.03(4) FS. Law Implemented 893.1495 FS. History–New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.009	Receipts from Services Rendered by Insect or Pest Exterminators
12A-1.0091	Cleaning Services
12A-1.0092	Detective, Burglar Protection, and Other Protection Services
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0161	Sales and Use Tax on Services; Sale for Resale
12A-1.044	Vending Machines
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), is to include the expansion of the exemption for admissions to certain professional sporting events and the exemption for admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility when sponsored by a governmental entity, sports authority, or sports commission as provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.

Section 3, 2009-51, L.O.F., and Section 5, Chapter 2010-138, L.O.F., amended Section 212.05(1)(j), F.S., to replace the Standard Industry Codes for detective, burglar protection, and other protection services and for nonresidential cleaning and nonresidential building pest control services with North American Industry Classification System National Industry Codes (NAICS Codes). The purpose of the proposed amendments to Rule 12A-1.009, F.A.C. (amended title “Receipts from Services for Exterminating and Pest Control”), Rule 12A-1.0091, F.A.C. (Cleaning Services), and Rule

12A-1.0092, F.A.C. (Detective, Burglar Protection, and Other Protection Services), is to include the NAICS Codes and to update the illustrative examples of services included under the specified NAICS National Codes designated in Section 212.05(1)(i), F.S.

The purpose of the proposed amendments to Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), is to include provisions for the taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138, L.O.F., which were previously provided in this rule prior to the substantial rewording effective November 3, 2009.

The purpose of the proposed amendments to Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sales for Resale), is to remove obsolete provisions which applied to the taxability of services before September 1, 1992.

The purpose of the proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines), is to update the notice to customers that must be affixed to a vending machine by the operator of the machine, as provided in Section 212.0515(3), F.S., as amend by Section 6, Chapter 2010-138, L.O.F.

The purpose of the proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), is to include the amendments to Section 212.08(5)(b)6.b., F.S., which amends the definition of "productive output." This law change: (1) provides that productive output may be measured by the output for 12 continuous months selected by an expanding business following the completion of the installation of qualified machinery and equipment, as provided in Section 9, Chapter 2010-147, L.O.F.; (2) continues to provide that the measurement period must begin within 24 months of the installation of the equipment; and (3) strikes the requirement to obtain approval of the alternative measurement period from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is the: (1) exemption for admissions to events sponsored by a governmental entity, sports authority, or sports commission at publicly owned facilities and the expansion of the exemption to certain professional sporting events provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.; (2) replacement of the Standard Industry Codes for detective, burglar protection, and other protection services and for nonresidential cleaning and nonresidential building pest control services in Section 212.05(1)(i), F.S., with North American Industry Classification System National Industry Codes (NAICS Codes); (3) taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138,

L.O.F.; (4) contents of the notice required to be placed on vending machines by operators provided in Section 212.0515(3), F.S., as amend by Section 6, Chapter 2010-138, L.O.F.; and (4) changes to the definition of "productive output," as revised by Section 9, Chapter 2010-147, L.O.F.

RULEMAKING AUTHORITY: 212.0515, 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.04(2), 212.05(1)(i), 212.0515, 212.08(1), (5)(b) FS., ss. 5, 6, 7, Ch. 2010-138, ss. 6, 9, Ch. 2010-147, L.O.F.

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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, and Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407 and (850)922-4719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of sales and use tax.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008 **RULE TITLE:** Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-19.041	Residential Exemption from the Communications Services Tax
12A-19.100	Public Use Forms

PURPOSE AND EFFECT: Chapter 2010-149, L.O.F., provides that for communications services billed on or after August 1, 2010, the state portion of the Florida communications services tax rate for certain services is reduced 0.15 percent from 6.8 percent to 6.65 percent, and the gross receipts tax rate on those services has increased 0.15 percent from 2.37 percent to 2.52 percent. Communications services billed to a residential household on or after August 1, 2010, will be subject to the 2.37 percent gross receipts tax and will remain exempt from the 6.65 percent state portion of the tax. Such services will also be exempt from the additional gross receipts tax rate of 0.15 percent, ensuring that no person will pay any additional tax.

Chapter 2008-55, L.O.F., amended Section 509.013, F.S., redefining “public lodging establishments” as “transient public lodging establishments” and “nontransient public lodging establishments.” Section 4, Chapter 2010-138, L.O.F., clarifies that the residential exemption from the communications services tax does not include any “transient public lodging establishment.”

Effective July 1, 2010, Chapter 2010-83, L.O.F., allows communications services tax dealers to use a proportionate method to allocate bad debts based on current gross taxes due to determine the amount of bad debt that is attributable to the state and to the local jurisdiction or another reasonable allocation method approved by the Department. Dealers report the bad debit credit on Form DR-700016, Florida Communications Services Tax Return, by deducting the bad debit credit from the state tax or from the local jurisdiction tax due to the Department. The amount of the credit deducted and reported on the return is limited to the amount of state tax due or the amount of local jurisdiction tax due.

The purpose of the proposed amendments to Rule 12A-19.041, F.A.C., is to: (1) amend the title to “Sales of Communications Services to a Residential Household” and the scope of the rule to clarify the intent of the application of the rule, as amended; (2) update provisions regarding the state portion and gross receipts tax portion of the Florida communications services tax for purposes of the residential exemption, as provided in Chapter 2010-149, L.O.F.; (3) include the definition of “transient public lodging establishment,” as defined in Section 509.013, F.S., as amended by Chapter 2008-55, L.O.F.; (4) clarify that the residential exemption from communications services tax does not apply to “transient public lodging establishments,” as provided in Section 4, Chapter 2010-138, L.O.F.; and (4) update the term “service provider” to “dealer” of communications services.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) incorporate the instructions to report tax due on communications services billed on or after August 1, 2010, and provide for the components of the communications services tax collected to be shown on Form DR-700016, Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, as provided in Chapter 2010-149, L.O.F.; (2) provide in the instructions of Form DR-700016 that the residential exemption from the communications services tax does not include any transient public lodging establishment, as clarified in Section 4, Chapter 2010-138, L.O.F.; (3) provide for the reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year; (5) update the local communications services tax rates; and (6) adopt, by reference, changes to Forms DR-700016 and DR-700019.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is: (1) the tax rate changes for communications services sold to residential households, as provided in Chapter 2010-149, L.O.F.; (2) clarification that the residential exemption does not include any transient public lodging establishment, as provided in Section 4, Chapter 2010-138, L.O.F.; (3) reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) applicable reporting periods and service billing dates for each version of Form DR-700016, Florida Communications Services Tax Return; and (5) adoption, by reference, of updates to Form DR-700016, Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.125(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), (10), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2), (4) FS.

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

DATE AND TIME: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. 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: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4835

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:
12B-5.150

RULE TITLE:
Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. 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: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.006	Exemptions and Credits
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Section 3, Chapter 2010-166, L.O.F., increases the base rate of tax on the severance of phosphate rock to \$1.71 per ton beginning July 1, 2010, and decreases the base rate of tax on the severance of phosphate

rock to \$1.61 per ton beginning July 1, 2011. The total tax rate, including the surcharge imposed under Section 211.3101(11), F.S., remains at \$1.38 per ton.

The Florida Tax Credit Scholarship Program, as amended by section 1, Chapter 2010-24, L.O.F., allows taxpayers to receive a credit allocation for contributions made to nonprofit scholarship funding organizations. Beginning January 1, 2011, a tax credit of 100 percent of the contribution is allowed against any tax due on oil production in Florida or against any tax due on gas production in Florida imposed under Sections 211.02 and 211.025, F.S. The tax credit may not exceed 50 percent of the tax due on the return on which the tax credit is taken. Proposed Rule Chapter 12-30, F.A.C., Florida Tax Credit Scholarship Program, establishes the procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the procedures to be followed by taxpayers when claiming tax credits on tax returns.

The purpose of the proposed amendments to Rule 12B-7.006, F.A.C., is to: (1) update the exemptions listed in the rule to include the exemption provided in Section 211.027(3), F.S., for gas vented or flared directly into the atmosphere when the gas is not otherwise sold; (2) provide that provisions for the tax credit available against the tax paid on the production or oil or gas in Florida are provided in Rule Chapter 12-30, F.A.C., as proposed; and (3) update the information on how to obtain copies of forms from the Department.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida and Forms DR-145 and DR-145X to: (1) provide instructions on reporting the tax credit available against the tax paid on oil or gas production in Florida for contributions to an eligible nonprofit scholarship funding organization; (2) simplify the instructions for reporting the taxes on oil, gas, and sulfur production; and (3) update the information on how to obtain copies of forms from the Department.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-142 and DR-142ES to: (1) provide for the reporting of the tax on production of phosphate rock for the period January 2010 – June 2010, and for the period July 2010 – December 2010, at the rates provided in Section 3, Chapter 2010-166, L.O.F.; and (2) simplify the instructions for reporting the solid mineral severance taxes.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is: (1) the inclusion of the exemption provided in Section 211.027(3), F.S., for gas vented or flared directly into the atmosphere when the gas is not otherwise sold; (2) the changes to the form and instructions to report a tax credit against any tax due on oil or gas production in Florida under the Florida Tax Credit Scholarship Program, as provided in

Chapter 2010-24, L.O.F.; and (3) the adoption, by reference, of updates to forms used by the Department in the administration of the severances tax imposed on oil, gas, sulfur, and solid minerals produced in Florida.

RULEMAKING AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 1002.395(13) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.025, 211.0251, 211.026, 211.027, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 1002.395 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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
RULE TITLE: Tax Statement; Overpayments
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed adoption of changes to forms used by the Department in the administration of the insurance premium tax.

RULEMAKING AUTHORITY: 213.06(1) FS.
LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F.

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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, 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: Terry Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
RULE TITLE: Forms
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the corporate income tax.

RULEMAKING AUTHORITY: 213.06(1), 220.187, 220.192(5), 220.193(4), 220.51 FS.

LAW IMPLEMENTED: 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.51055 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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, 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: Charles Dunning, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

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

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on governmental leasehold estates, and to provide the 2011 Valuation Factor Table used to calculate the amount of tax due.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the tax on governmental leasehold estates.

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.135, 199.232, 199.292 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: August 31, 2010, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. 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: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-10.001	Purpose
15A-10.002	Definitions
15A-10.003	Reciprocity
15A-10.004	Application for Licensure to Conduct a Driving Under the Influence Program
15A-10.005	Licensure: Requirements and Limitations
15A-10.006	Relinquishment of Licensure
15A-10.007	Review Board and Monitoring
15A-10.008	Organizational Structure
15A-10.009	Program Jurisdiction
15A-10.010	Operating Policies and Procedures Manual(s)
15A-10.011	Board of Directors or Advisory Committee
15A-10.012	Financial Audit

- 15A-10.013 Financial Procedures and Reporting Requirements
- 15A-10.014 Cost Standards and Allocations
- 15A-10.0141 Fees
- 15A-10.0142 Revenue Limitation
- 15A-10.015 Fee Waiver
- 15A-10.016 Ancillary Fees
- 15A-10.017 Personnel Policies and Procedures
- 15A-10.018 Client Files
- 15A-10.019 Client Transfers
- 15A-10.021 Student Conduct
- 15A-10.022 Personnel Certification
- 15A-10.023 Education
- 15A-10.024 Level I Course
- 15A-10.025 Level II Course
- 15A-10.026 Certificates of Completion and Student Status Report, HSMV Form 77057
- 15A-10.027 Client Evaluation
- 15A-10.028 Treatment Referral
- 15A-10.029 Special Supervision Services (SSS) and Statutory Eligibility
- 15A-10.030 SSS Application and Evaluation Process
- 15A-10.031 SSS Appeal Process
- 15A-10.032 SSS Case Management Plan
- 15A-10.033 SSS Military Leave
- 15A-10.034 SSS Frequency of Appointments
- 15A-10.035 SSS Missed Appointments
- 15A-10.036 SSS Violation of Restricted Licenses
- 15A-10.037 SSS Transfer Procedure
- 15A-10.038 SSS Fees
- 15A-10.039 SSS Referrals to Treatment
- 15A-10.040 Case Monitoring Services
- 15A-10.041 Denial, Suspension or Revocation of a DUI Program License or Personnel Certification
- 15A-10.042 Complaints
- 15A-10.043 Forms

PURPOSE AND EFFECT: This rule chapter sets forth the standards for licensing Driving Under the Influence (DUI) programs, certifying personnel, monitoring the ignition interlock device (IID) clients and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles pursuant to Sections 322.292, 322.293, 316.193 and 322.2715, Florida Statutes, Chapter 15A-9, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Compliance with these rules is required to obtain and to maintain licensure and certification by the Department.

RULEMAKING AUTHORITY: 322.292, 322.293 322.2715, 316.193, 316.1937 FS.

LAW IMPLEMENTED: 322.02, 322.292, 322.293 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: August 31, 2010, 2:00 p.m.
 PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number D426, Tallahassee, Florida 32399

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B211, Tallahassee, FL 32399, telephone: (850)617-2505. 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 Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B211, Tallahassee, FL 32399-0500, (850)617-2505

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NO.: 15A-10.009
RULE TITLE: Program Jurisdiction

PURPOSE AND EFFECT: The purpose of the proposed rule action is to add a paragraph to the current rule to prohibit DUI programs which are also authorized as a private probation services provider from distributing a list of DUI programs in their service area or to self-refer persons who are probationers to any DUI program owned in whole or in part by that private probation services provider or its affiliates; also requires DUI program to document that the probationer was advised of their right to choose a licensed DUI program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action revises the current Rule 15A-10.009, F.A.C., by prohibiting DUI programs from self-referring.

RULEMAKING AUTHORITY: 322.02, 322.292 FS.

LAW IMPLEMENTED: 322.292(5) 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: August 31, 2010, 9:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number D426, Tallahassee, Florida 32399

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B211, Tallahassee, FL 32399, telephone: (850)617-2505. 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: Barbara Lauer, Chief, Bureau of Driver Education & DUI Programs, Division of Driver Licenses, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-10.009 Program Jurisdiction.

(1) through (3) No change.

(4) DUI programs who are also authorized as a private probation services provider under Section 948.15, F.S., shall not distribute a list of DUI programs in their service area or self-refer persons who are probationers to any DUI program owned in whole or in part by that private probation services provider or its affiliates. The DUI program shall document that the probationer was advised of their right to choose a licensed DUI program.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 316.192, 316.193, 322.2615, 322.292(5) FS. History--New 1-4-95, Amended _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.:	RULE TITLE:
15C-19.001	Forms for Motor Vehicle Manufacturers, Importers and Distributors

PURPOSE AND EFFECT: The purpose of the proposed rule is to specify and incorporate by reference the forms for the application for licensure and renewal of licenses for: motor vehicle manufacturers, importers and distributors.

SUBJECT AREA TO BE ADDRESSED: Forms for the application for licensure and renewal of licenses for: motor vehicle manufacturers, importers and distributors.

RULEMAKING AUTHORITY: 320.011, 320.69 FS.

LAW IMPLEMENTED: 320.60, 320.63, 320.61-320.70 FS.

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

DATE AND TIME: August 30, 2010, 2:00 p.m.

PLACE: 2900 Apalachee Parkway, Room A427, Kirkman Building, Tallahassee, Florida 32399

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: Julie Gentry, Interim Chief, Bureau of Field Operations, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B370, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-3171. 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: Julie Gentry, Interim Chief, Bureau of Field Operations, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B370, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-3171

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-6.001	Definitions and Forms
27M-6.002	Application Process
27M-6.003	Certification

PURPOSE AND EFFECT: To implement the Manufacturing and Spaceport Investment Incentive Program contained in Section 288.1083, F.S.

SUBJECT AREA TO BE ADDRESSED: Manufacturing and Spaceport Investment Incentive Program.

RULEMAKING AUTHORITY: 288.1083 FS.

LAW IMPLEMENTED: 288.1083 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568, michelle.dennard@eog.myflorida.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NO.: 27N-3.001
RULE TITLE: State ENERGY STAR Appliance Rebate Program

PURPOSE AND EFFECT: Section 377.808, F.S., authorized the Florida Energy and Climate Commission to administer a consumer rebate program for the replacement of older appliances with qualified specific residential ENERGY STAR appliances and products, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

SUBJECT AREA TO BE ADDRESSED: Section 377.808, F.S., authorizes the Florida Energy and Climate Commission to establish a consumer rebate program for residential energy efficient appliances, consistent with 42 U.S.C. s. 15821 and any other federal agency guidance or regulations issued in furtherance of federal law.

RULEMAKING AUTHORITY: 377.807 FS.

LAW IMPLEMENTED: 377.807 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: August 30, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Toni Jennings Room, 110 Senate Office Building, 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 5 days before the workshop/meeting by contacting: Brittany Cummins at (850)487-3800. 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: Brittany Cummins at (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-3.001 Florida ENERGY STAR Appliance Rebate Program.

(1) GENERAL. The Florida Energy and Climate Commission is authorized to administer a consumer rebate program for the replacement of older appliances with qualified specific residential ENERGY STAR appliances and products, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(a) Only new appliances purchased for use at the consumer's residence, to replace older appliances, are eligible for this rebate. To qualify, the new appliance must be purchased in the state of Florida. This program is not intended to be used by a multi-family building owner.

(b) ~~The issuance of a rebate through other rebate programs does not preclude a consumer from receiving a rebate through this rebate program. For the purposes of receiving a rebate, consumers may purchase no more than one of each type of ENERGY STAR appliance per address. However, the total amount of rebate monies received shall not exceed \$1,500 per consumer, per address.~~

~~(c) Rebates shall be available only for the following new ENERGY STAR certified appliances and products: refrigerators, freezers, clothes washers, dishwashers, room air conditioners and gas tank less water heaters. These are "qualified appliances" for the purpose of the rebate program.~~

~~(d) In order to be eligible to receive a rebate, a consumer must first purchase a qualified appliance or product during the designated period and submit proof of purchase of the qualified appliance to the program administrator postmarked no later than May 10, 2010.~~

~~(e) Consumers may obtain rebate redemption information and applications from several locations including retail locations, the Florida Energy and Climate Commission website, the program administrator's website, or program partners' websites.~~

~~(f) Rebates will be a flat 20 percent off the retail, pretax price of the appliance.~~

~~(g) The issuance of a rebate through other rebate programs does not preclude a consumer from receiving a rebate through this rebate program.~~

~~(h) Recycling is encouraged. Therefore, an additional \$75 will be added to the rebate if the consumer provides the recycled appliance's serial number and evidence of having recycled the appliance being replaced. No appliance may be refurbished and put back into use.~~

~~1. Evidence of having recycled the appliance being replaced may consist of:~~

~~a. Statement on the retailer receipt indicating pick up of the appliance being replaced; or~~

~~b. Receipt from the public or private landfill of delivery of the appliance being replaced. This receipt must include the name and address of the landfill, the date, the receiving person's signature and a brief description of the product.~~

~~2. The recycled appliance must be of the same type as the newly purchased qualified appliance for which the rebate is being applied.~~

~~3. The additional \$75 is only offered for the purchase of a new appliance.~~

~~4. All appliances accepted by landfills or retail establishments to recycle as part of this program must be sent to a metal recycler.~~

(2) PROGRAM DURATION. The rebates shall only be available for the purchase of qualified appliances during the designated period of the program associated with each appliance.

(3) PROGRAM ADMINISTRATOR. The Florida Energy and Climate Commission may select a third party vendor to administer the rebates. If the Florida Energy and Climate Commission decides to select a third party to act as the program administrator, the Commission will issue a request for proposal and select the vendor who can process the rebates in the most efficient, accurate and cost-effective manner. Under no circumstance is the program administrator permitted to sell, give away or utilize for purposes other than this rebate program the names, addresses or phone numbers of the consumers applying for the rebate.

(4) ADVERTISING AND PROMOTION. The Florida Energy and Climate Commission shall coordinate with the program administrator, the participating retailers, environmental groups and the participating utilities to partner together to promote the rebate program broadly to the entire state. Advertising and promotions for the rebate program conducted by participating partners will include information that is consistent with these rules.

(5) APPLICATION AND ISSUANCE. Applications for rebates shall be submitted to the program administrator and postmarked on or before the dates designated by each appliance under subsection (6) below to be considered timely.

(a) Applications shall be submitted to the program administrator in hard copy format, using the rebate application form identified by appliance type in subsection (6) below.

(b) In order to be considered complete, applications must include all information required on the application form, the original purchase receipt for the appliance and, if applicable seeking the additional \$75 for recycling, evidence demonstrating that the appliance being replaced has been recycled. All information provided to the program administrator must be legible.

(c) The Florida Energy and Climate Commission does not guarantee that every consumer submitting a complete rebate application will receive a rebate. Rebates can only be issued if funding is available. The rebates will be dispensed upon (1) successful completion of the rebate form with required attached receipts and forms, (2) the order in which they arrive, and (3) the availability of funds.

(d) Provided funds are available, the program administrator shall review each timely application to determine if the application includes all required information. The program administrator shall issue each rebate only after it determines that all required information has been provided and the application is complete.

1. An application that is determined to be complete shall be placed in the first-come, first-served order for allocation of rebates based upon the date and time the application is filed.

2. Timely submitted applications which are not complete shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-served order for allocation of rebates. If the program administrator determines that the application is not complete and does not contain all of the required information, the program administrator shall notify the applicant of the incompleteness of the application.

3. Applicants who are notified of the incompleteness of a timely submitted application may submit subsequent information by mail in order to make the application complete. If an application is then determined to be complete, it shall be placed in the first-come, first-serve order for allocation of rebates based upon the date and time the application is determined complete.

(6) APPLIANCE SPECIFIC. The following program requirements will apply to the specific appliances being offered rebates.

(a) Consumer Appliances including: ENERGY STAR refrigerators, freezers, dishwashers, clothes washers, room air conditioners, and gas tank-less water heaters.

1. To qualify, the new appliance must be purchased in the state of Florida, from an establishment that collects and remits Florida sales tax.

2. For the purposes of receiving a rebate, consumers may purchase no more than one of each type of ENERGY STAR appliance per address. However, the total amount of rebate monies received shall not exceed \$1,500 per consumer, per address.

3. Rebates shall be available only for the following new ENERGY STAR certified appliances and products: refrigerators, freezers, clothes washers, dishwashers, room air conditioners and gas tank-less water heaters. These are "qualified appliances" for the purpose of the rebate program.

4. In order to be eligible to receive a rebate, a consumer must first purchase a qualified appliance or product during the designated period and submit proof of purchase of the qualified appliance to the program administrator postmarked no later than May 10, 2010.

5. Consumers may obtain rebate redemption information and applications from several locations including retail locations, the Florida Energy and Climate Commission website, the program administrator's website, or program partners' websites.

6. Rebates will be a flat 20 percent off the retail, pretax price of the appliance.

7. Recycling is encouraged. Therefore, an additional \$75 will be added to the rebate if the consumer provides the recycled appliance's serial number and evidence of having recycled the appliance being replaced. No appliance may be refurbished and put back into use.

a. Evidence of having recycled the appliance being replaced may consist of a statement on the retailer receipt indicating pick-up of the appliance being replaced; or a receipt from the public or private landfill of delivery of the appliance being replaced. This receipt must include the name and address of the landfill, the date, the receiving person's signature and a brief description of the product.

b. The recycled appliance must be of the same type as the newly purchased qualified appliance for which the rebate is being applied.

c. The additional \$75 is only offered for the purchase of a new appliance.

d. All appliances accepted by landfills or retail establishments to recycle as part of this program must be sent to a metal recycler.

8. The rebates shall only be available for the purchase of qualified appliances during the period from 12:01 a.m., April 16, 2010, through 11:59 p.m., April 25, 2010. This time period coincides with Florida's Earth Day.

9. Applications for rebates shall be submitted to the program administrator and postmarked on or before May 10, 2010 to be considered timely.

10. Applications shall be submitted to the program administrator in hard copy format, using the rebate application form hereby incorporated by reference: Form FECC 1, effective date April 2010.

(b) ENERGY STAR Central Air Conditioners, Air Source Heat Pumps, and Geothermal Heat Pumps.

1. To qualify for the Residential HVAC Rebate the homeowner must make two investments;

a. The first investment is to purchase a new HVAC or geothermal system that meets the Federal Energy Tax Credits standards to replace an existing system.

b. For the second investment, the homeowner must hire a state approved performance tester which means a Class 1 Florida Energy Gauge Certified Energy Rater, a State of

Florida Mechanical Contractor, or a recognized test and balance agent and have their home's duct system tested with the test results indicating the home's duct system has no more than 15% leakage to the outside of the home (0.10 Qn.out) as indicated on the Air Distribution System Test Report.

2. To qualify the HVAC or geothermal appliance must be purchased and installed in the State of Florida by a Florida licensed installer and the installer must comply with Florida's laws regarding filing for mechanical permits to replace existing HVAC units and using a Manual J for sizing the new replacement unit.

3. Only one \$1,500 rebate per existing residence, no new construction.

4. The HVAC Rebate opportunity will begin on August 30, 2010 and end on December 31, 2010 or when the rebate funds are depleted.

5. To qualify for the rebate the new HVAC or geothermal system must be purchased and installed after the program launch date of August 30, 2010 and before December 31, 2010.

6. Since HVAC installers are required by law to properly dispose of replaced HVAC systems no recycling rebate is offered.

7. Applications shall be submitted to the program administrator in hard copy format, using the application form FECC 3, effective August 30, 2010. The application form can be obtained beginning August 30, 2010 from the FECC's website.

8. In order to be considered complete, the Residential HVAC Rebate application must include all information required on the application form and five documents must be mailed in:

First – the signed and completed application.

Second – a copy of the mechanical building permit that must be applied for by the HVAC installer (this must contain the applicant's home address).

Third – a copy of the HVAC or geothermal sales receipt (this must contain the make and model of the HVAC unit, the sales date, and the applicant's home address).

Fourth – a completed and signed copy of the Air Distribution System Test Report as provided by the HVAC duct tester indicating leakage does not exceed 15% to the outside as measured by a score of 0.10 (Qn.out) or less.

Fifth – the front or summary page of the Manual J as provided by the HVAC installer that confirms the HVAC installer used the Manual J to appropriately size the new unit.

(c) Other ENERGY STAR Appliances.

1. The remaining ENERGY STAR appliances not already covered by the prior referenced (6)(a) or (6)(b) may be offered for a rebate if additional funds become available.

2. Those new ENERGY STAR appliance rebate offerings will have a specific start and stop date.

3. Only one rebate per appliance will be paid per residence.

4. If Florida makes the offering available, applications shall be submitted to the program administrator in hard copy format, using the application form FECC 4, effective upon the adoption of the offering. The application form would be available from the FECC's website.

Rulemaking Authority 377.807 FS. Law Implemented 377.807 FS. History—New 3-11-10, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.100
 RULE TITLE: Medicaid Contracts for Prepaid Health Plans

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Payment Methodology for Participating Medicaid Managed Health Care Plans, as incorporated by reference in Rule 59G-8.100, F.A.C., to provide the following changes based Section 409.9124, F.S., Managed care reimbursement, effective July 1, 2010.

The Agency for Health Care Administration will modify the payment methodology for participating Medicaid managed health care plans to reflect the use of fee for service encounter data and financial data as data sources in the rate setting process.

SUBJECT AREA TO BE ADDRESSED: Payment methodology for participating non-pilot capitated Medicaid managed health care plans.

RULEMAKING AUTHORITY: 409.9124, 409.919 FS.

LAW IMPLEMENTED: 409.9124 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: August 30, 2010, 1:00 p.m. – 2:00 p.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or edwin.stephens@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.001
 RULE TITLE: Qualification for Certification

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language if necessary to update and clarify the procedures for qualification for certification of an applicant.

SUBJECT AREA TO BE ADDRESSED: Qualification for certification.

RULEMAKING AUTHORITY: 489.108, 489.111 FS.

LAW IMPLEMENTED: 489.111 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

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

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

RULE NOS.:	RULE TITLES:
62-701.100	Intent
62-701.200	Definitions
62-701.210	Documents Incorporated by Reference
62-701.220	General Applicability
62-701.300	Prohibitions
62-701.310	Approval of Alternate Procedures and Requirements
62-701.315	Permit Fees for Solid Waste Management Facilities
62-701.320	Solid Waste Management Facility Permit Requirements, General
62-701.330	Landfill Permit Requirements
62-701.340	General Criteria for Landfills
62-701.400	Landfill Construction Requirements
62-701.410	Hydrogeological and Geotechnical Investigation Requirements
62-701.430	Vertical Expansion of Landfills
62-701.500	Landfill Operation Requirements
62-701.510	Water Quality and Leachate Monitoring Requirements
62-701.520	Special Waste Handling
62-701.530	Gas Management Systems

62-701.600	Landfill Final Closure
62-701.610	Other Closure Procedures
62-701.620	Long-Term Care
62-701.630	Financial Assurance
62-701.710	Waste Processing Facilities
62-701.730	Construction and Demolition Debris Disposal and Recycling
62-701.803	General Permit for Off-site Disposal of Land Clearing Debris
62-701.900	Forms

PURPOSE AND EFFECT: Chapter 2010-205, Laws of Florida, includes a new requirement that all construction and demolition debris landfills be constructed with liners and leachate control systems. Chapter 2010-143, Laws of Florida, includes a new requirement that all construction and demolition debris be processed prior to disposal when economically feasible. The rule chapter must be amended to address these new requirements. There are also several minor changes that need to be made to update and clarify the chapter. SUBJECT AREA TO BE ADDRESSED: Solid waste management.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.0877, 403.704, 403.707, 403.814 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.0877, 403.121, 403.702-.7193, 403.75-.769, 403.814 FS.

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

DATE AND TIME: September 29, 2010, 1:00 p.m.
 PLACE: Orlando City Hall, One City Commons, 400 South Orange Avenue, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Tedder. 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: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735, or email at Richard.Tedder@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-709.201	Definitions
62-709.300	General Provisions
62-709.305	Exemptions
62-709.320	General Provisions for Registrations

62-709.330	Specific Criteria for Registration of Yard Trash Processing Facilities
62-709.350	Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure
62-709.460	Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects
62-709.500	Design Criteria for Permitted Facilities
62-709.510	Operation Criteria for Permitted Facilities
62-709.530	Testing, Recording and Reporting Requirements
62-709.550	Classification of Compost
62-709.600	Criteria for the Use of Compost
62-709.901	Forms

PURPOSE AND EFFECT: Significant amendments were made to this Chapter in January of 2010. These changes primarily involved registration requirements for smaller facilities that process yard trash and organic material. This next round of amendments are intended to update the requirements for permitting facilities that compost municipal solid waste, as well as the requirements and criteria for testing and use of processed materials. The Chapter will also be amended to address facilities that anaerobically digest solid waste.

SUBJECT AREA TO BE ADDRESSED: Organics Processing and Recycling Facilities.

RULEMAKING AUTHORITY: 120.53, 403.061, 403.704, 403.7043, 403.707 FS.

LAW IMPLEMENTED: 120.53, 403.7043, 403.707 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: Francine Joyal, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8747, or email at Francine.Joyal@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-716.100	Intent
62-716.200	Definitions
62-716.300	General Grant Application Requirements

- 62-716.310 Disbursement of Funds
- 62-716.320 Grant Recordkeeping
- 62-716.400 Specific Recycling and Education Grant Application and Matching Requirements
- 62-716.410 Recycling and Education Grant Eligibility Requirements
- 62-716.420 Recycling and Education Grant Special Requirements
- 62-716.430 Use of Recycling and Education Grant Funds
- 62-716.440 Allocation of Recycling and Education Grant Funds
- 62-716.450 Solid Waste Annual Reports
- 62-716.500 Specific Small County Grant Application Requirements
- 62-716.510 Use of Small County Grant Funds
- 62-716.600 Specific Waste Tire Grant Application Requirements
- 62-716.610 Allocation of Waste Tire Grant Funds
- 62-716.620 Use of Waste Tire Grant Funds
- 62-716.700 Litter Control and Prevention Grants
- 62-716.900 Forms

PURPOSE AND EFFECT: Chapter 2010-143, Laws of Florida, creates a number of new requirements that must be implemented by rule. It requires that the Department develop a reporting format for recycling rates; create a voluntary certification program for materials recovery facilities; and establish a method and criteria to be used by counties in calculating recycling rates. It is the Department's intention to amend the title of this Chapter to broaden its scope to include these new provisions. In addition, the Law amended the solid waste management grant program making it necessary to amend this Chapter to be consistent.

SUBJECT AREA TO BE ADDRESSED: Solid waste grants and recycling programs.

RULEMAKING AUTHORITY: 403.704, 403.7095, 120.53, 403.061 FS.

LAW IMPLEMENTED: 403.706, 403.7095, 403.4131, 120.53, 120.55, 403.0875 FS.

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

DATE AND TIME: September 30, 2010, 9:00 a.m.

PLACE: Orlando City Hall, One City Commons, 400 South Orange Avenue, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Raoul Clarke. 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: Raoul Clarke, Department of Environmental Protection, MS 4555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8750, or email at Raoul.Clarke@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-722.200	Definitions
62-722.300	Exemptions
62-722.400	Procedures for Certification and Reporting
62-722.600	Procedures for Registration and Reporting

PURPOSE AND EFFECT: Chapter 2010-143, Laws of Florida, creates a new requirement that recovered materials dealers must report information to the Department and certain counties by February 1. This will require the Chapter to be amended. In addition, there are several minor updates and clarifications to be made to the Chapter.

SUBJECT AREA TO BE ADDRESSED: Regulation of Recovered Materials.

RULEMAKING AUTHORITY: 403.061, 403.704, 403.7046 FS.

LAW IMPLEMENTED: 403.703, 403.704, 403.705, 403.7046 FS.

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

DATE AND TIME: September 30, 2010, 9:00 a.m.

PLACE: Orlando City Hall, One City Commons, 400 South Orange Avenue, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Raoul Clarke. 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: Raoul Clarke, Department of Environmental Protection, MS 4555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8750, or email at Raoul.Clarke@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-1.004
 RULE TITLE: Address of Record and Place of Practice

PURPOSE AND EFFECT: The Board proposes to amend rule language to require licensee’s current personal information for license.

SUBJECT AREA TO BE ADDRESSED: Address of Record and Place of Practice.

RULEMAKING AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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 IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-1.004 Address of Record and Place of Practice.

(1) Each person holding a license or registration issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current address at which any notice required by law may be served by the Board or its agent. Within 30 days of changing this address, whether or not within this state, the licensee shall change his or her address at the Board’s website [www.doh.state.fl.us/mqa/OrthPros/index.html] or notify the Board by e-mail or in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license or registration issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current primary place of practice, to include the practice name, address, and phone number. Within 30 days of changing this address, whether or not within this state, the licensee or registrant shall notify the Board by e-mail or in writing of the new practice information.

Rulemaking Specific Authority 456.035 FS. Law Implemented 456.035 FS. History–New 9-18-07, Amended _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
 RULE TITLE: Documentation of Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes to amend rule language to recognize post-baccalaureate education in establishing eligibility for licensure, correct statutory references and include ABC certification for pedorthists.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Licensure.

RULEMAKING AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 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 IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(5)(3)(a) or (b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, 8/08, herein incorporated by reference, which is available from the Board office or

(a) An official transcript from the regionally accredited institution at which the applicant’s Baccalaureate or post-graduate degree Bachelor of Science degree was awarded, indicating the degree awarded.

(b) If the applicant’s ~~bachelor’s~~ degree was not awarded in orthotics and prosthetics, documentation from the CAAHEP approved program certifying certification of completion of an orthotics or prosthetics program, as applicable, recognized by the CAAHEP.

(c) through (e) No change.

(2) In order to establish eligibility for licensure as an orthotic fitter under Section 468.803(5)(3)(c), F.S., the applicant must provide at a minimum:

(a) through (e) No change.

(3) In order to establish eligibility for licensure as an orthotic fitter assistant under Section 468.803(5)(3)(d), F.S., the applicant must provide at a minimum:

(a) through (d) No change.

(4) In order to establish eligibility for licensure as a pedorthist under Section 468.803(5)(3)(e), F.S., the applicant must provide at a minimum:

(a) No change.

(b) An original letter from the head of a training program(s) approved by the Board for Certification in Pedorthics (BCP), or the American Board for Certification (ABC), attesting to the inclusion of training as provided in paragraph 64B14-4.110(3)(a), F.A.C.

(c) through (d) No change.

Rulemaking Specific Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History—New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06, 4-19-09, 4-12-10, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.004
 RULE TITLE: Documentation of Eligibility for Registration

PURPOSE AND EFFECT: The Board proposes this new rule to establish necessary documentation of eligibility for registration and incorporates by reference the registration form.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Registration.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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 IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.004 Documentation of Eligibility for Registration.

In order to establish eligibility for registration as an orthotic, or prosthetic, resident or intern under Section 468.803(3)(a) or (b), F.S., the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA 1126, 11/08, hereby adopted and incorporated by reference, which is available from the Board office or at the Board’s website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(1) An official transcript from the regionally accredited institution at which the applicant’s Baccaluarate or post-graduate degree was awarded, indicating the degree awarded.

(2) If the applicant’s degree was not awarded in orthotics and prosthetics, documentation from the CAAHEP approved program certifying completion of an orthotics or prosthetics program, as applicable.

(3) For registreation as a resident the applicant must provide documentation of enrollment in an NCOPE approved residency program.

(4) For registration as an intern the applicant must provide documentation of a proposed internship meeting the requirement of Rule 64B14-4.100, F.A.C.

(5) Documentation of completion of the mandatory courses.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The Board proposes the change to delete the internship or residency program and the application form required.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prosthetic or Orthotic Residency or Internship.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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 IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

~~(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed, Application Form for Internship/Residency form number DH-MQA1126, 07/09, which is available from the Board office or at the Board’s website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.~~

~~(8)(9) If a change in supervisor is required, the applicant must submit a completed Update Supervisor Form Registration in an Orthotic or Prosthetic Internship/Residency Program,~~

form number DH-MQA 1133, 07/09, which is available from the Board office or the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended 7-2-07, 5-28-09, 4-11-10,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205
 RULE TITLE: Eligibility Determination Process
 PURPOSE AND EFFECT: The proposed rule amendment addresses the ACCESS Florida Web Application, CF-ES 2353.
 SUBJECT AREA TO BE ADDRESSED: ACCESS Florida Web Application, CF-ES 2353.

RULEMAKING AUTHORITY: 409.919, 414.095, 414.45 FS.
 LAW IMPLEMENTED: 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 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: August 31, 2010, 10:30 a.m.
 PLACE: 1317 Winewood Boulevard, Building 2, Room 204, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
 RULE TITLE: Procedure for Licensing a Monument Establishment

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt the revised Application for monument Establishment License form.

SUBJECT AREA TO BE ADDRESSED: Revised Application for Monument Establishment License form.

RULEMAKING AUTHORITY: 497.103(2), (5)(b), 497.141(2) FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.141, 497.550, 497.551 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: August 30, 2010, 2:00 p.m.
 PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@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: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com. The text of the proposed rule and the application form are also available on the Department's website at: <http://www.myfloridacfo.com/LegalServices/ruleHearing/>

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.: 1S-2.0001
 RULE TITLE: Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy

PURPOSE AND EFFECT: The rule will require all qualifying papers filed by candidates with a qualifying office to be an original document, except the full and public disclosure or statement or financial interests as permitted by statute. Currently, only those documents filed under oath with the Division of Elections must be an original. The rule is expanded to include supervisors of elections as a qualifying office within the purview of the rule. The rule incorporates by reference candidate qualifying forms. The rule makes clarifying changes to the title, text, and organization of the rule.

SUMMARY: The rule designates the Division of Elections as the qualifying office for candidates qualifying with the Department of State. Except as noted in the rule, all qualifying papers filed by candidates must be an original; the rule establishes when qualifying papers are filed; forms are