

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.039
RULE TITLE: Supplemental Educational Services in Title I Schools

PURPOSE AND EFFECT: The purpose of the rule development is to amend Form SES 100, Request for Applications for Supplemental Educational Services Providers, for the 2011-2012 school year and to revise the provider approval and complaint processes.

SUBJECT AREA TO BE ADDRESSED: Supplemental educational services in Title I schools.

RULEMAKING AUTHORITY: 1008.331(6) FS.

LAW IMPLEMENTED: 1008.331 FS.

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

DATE AND TIME: November 9, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Suite 1721/25, Tallahassee, Florida 32399. The meeting will be conducted via Webinar – for instructions go to <http://www.fldoe.org/flbpso>. All persons are invited to attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaTrell Edwards, Bureau Chief, Bureau of Federal Educational Programs, 325 West Gaines Street, Room 348, Tallahassee, FL 32399; (850)245-0828. To comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of this rule development is to review the Sunshine State Standards for Arts and Foreign Languages, Next Generation Sunshine State Standards for Social Studies, and the Next Generation Sunshine State Standards (Common Core) in Language Arts and Mathematics. The effect will be to propose for adoption changes to the standards as deemed necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for Arts, Foreign Languages, Social Studies, Language Arts, and Mathematics.

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATE AND TIME: November 5, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Conference call: 1(888)808-6959, Conference Code: 2459322#

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Teresa Sweet, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 424, Tallahassee, FL, (850)245-9032

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0331	General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services
6A-6.03312	Discipline Procedures for Students with Disabilities
6A-6.0333	Surrogate Parents
6A-6.0361	Contractual Arrangements With Nonpublic Schools

PURPOSE AND EFFECT: The purpose of rule development for Rule 6A-6.0333, F.A.C., is to align the rule with Sections 39.0016(3)(b) and 1003.571, Florida Statutes, and the federal regulations at 34 CFR §300.519, regarding assignment of a surrogate parent to an eligible student with a disability, and to remove the requirement related to gifted students. The purpose of rule development for Rule 6A-6.03312, F.A.C., is to align the rule with Section 1003.571, Florida Statutes, and the federal regulations at 34 CFR §300.530(e)(1), regarding manifestation determinations. The purpose of rule development for Rule 6A-6.0331, F.A.C., is to update the rule to be consistent with current knowledge and practice in the field regarding the school district’s obligation to refer a student for evaluation as a student with a disability under certain circumstances and to correct a technical error regarding the requirement to reevaluate a student with a disability prior to dismissal from exceptional student education (ESE) services. The purpose of rule development for Rule 6A-6.0361, F.A.C.,

is to comply with the requirement in Section 1003.57(3)(d), Florida Statutes, that the Department of Education adopt by rule procedures for written notification to school districts regarding the placement of students with disabilities in private residential care facilities by the Department of Children and Family Services, the Agency for Persons with Disabilities, and the Agency for Health Care Administration; to incorporate services to children with disabilities, ages birth through two; and to update references and ensure accuracy of content.

SUBJECT AREA TO BE ADDRESSED: Procedures for assigning a surrogate parent to an eligible student with a disability; the timeline for conducting a manifestation determination; the circumstances under which the school district must refer a student for evaluation as a student with a disability; the requirement to reevaluate a student prior to dismissal from ESE services; procedures for providing a free appropriate public education to students ages three through 21, or early intervention services to children birth through age two, through a contractual agreement with approved nonpublic schools or community facilities; and procedures for written notification to school districts regarding the placement of an exceptional student with a disability in a residential care facility.

RULEMAKING AUTHORITY: 1001.02(1), 1003.571 FS.

LAW IMPLEMENTED: 39.0016; 1001.42(4)(l), 1003.57 FS.

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

DATE AND TIME: November 8, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Suite 1721/25, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0905 **RULE TITLE:** Requirements for the District English Language Learners Plan

PURPOSE AND EFFECT: The purpose of the rule development is to review the process of submission of English Language Learner Plans by the school districts to the Department of Education. The effect will be the development of a new standardized template which will make the new process more efficient.

SUBJECT AREA TO BE ADDRESSED: District Plans for Services to English Language Learners.

RULEMAKING AUTHORITY: 1001.02, 1003.56 FS.

LAW IMPLEMENTED: 1003.56 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: To request a rule development workshop, please contact Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-4.002 **RULE TITLE:** President

PURPOSE AND EFFECT: The purpose of this rule is to establish the qualifications, duties and responsibilities of the President of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Discussion of amendment to the qualifications of the President.

RULEMAKING AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

DATE AND TIME: Friday, December 10, 2010, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

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 3 days before the workshop/meeting by contacting: Cindy Day, (904)827-2221. 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: Cindy Day, (904)827-2221

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

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."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1020	Definitions
40B-4.3030	Conditions for Issuance of Works of the District Development Permits

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt a definition for the term "clearing" and remove confusing language to be consistent with recently adopted language, which will allow for better comprehension of the rules within part III of this chapter by the public and District staff.

SUBJECT AREA TO BE ADDRESSED: This proposed rule will provide a definition for clearing and remove confusing language with respect to works of the district permits and environmental resource permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.019, 373.084, 373.085, 373.086, 373.403 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: Linda Welch, Rules and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.001	General Definitions
61D-14.009	Denial Criteria for Occupational License Application or Renewal
61D-14.016	Operational Requirements
61D-14.021	Complimentary Services or Items
61D-14.030	Video Monitors/Touchscreens

61D-14.040	Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption
61D-14.041	Randomness Requirements and Game Play Auditing
61D-14.050	Floor Plan
61D-14.051	Security Plan
61D-14.054	Surveillance Equipment
61D-14.055	Storage and Retrieval of Surveillance Recordings
61D-14.058	Slot Machine Licensees System of Internal Controls
61D-14.060	Slot Machine Licensee Verification of Business Entities
61D-14.061	Slot Cash Storage Boxes
61D-14.065	Procedure for Slot Cash Storage Box Count
61D-14.076	Player Tracking System
61D-14.096	Requirement for Shipment of All Slot Machines and Software Components

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule 61D-14.001, F.A.C., provides additional definitions for terms used throughout Chapter 61D-14, F.A.C. The amendment to Rule 61D-14.009, F.A.C., updates the criteria for denial of occupational licenses. The amendment to Rule 61D-14.016, F.A.C., updates certification requirements for facility based monitoring systems, slot machines, and slot machine games; revises slot machine licensee operational requirements; establishes training requirements for surveillance, security, and maintenance personnel; and outlines tax payment procedures. Rule 61D-14.021, F.A.C., addresses complimentary and promotional items. The amendment to Rule 61D-14.030, F.A.C., revises slot machine video monitor requirements. The amendment to Rule 61D-14.040, F.A.C., addresses game cycles, payment of credits, and ticket redemption. Rule 61D-14.041, F.A.C., addresses the requirements for slot machine random number generators. The amendment to Rule 61D-14.050, F.A.C., updates slot machine licensee floor plan requirements. The amendment to Rule 61D-14.051, F.A.C., updates slot machine licensee security plan requirements. The amendment to Rule 61D-14.054, F.A.C., updates slot machine licensee surveillance plan requirements. The amendment to Rule 61D-14.055, F.A.C., updates the requirements for storage and retrieval of surveillance recordings. The amendment to Rule 61D-14.058, F.A.C., updates the requirements for slot machine licensee internal controls. The amendment to Rule 61D-14.060, F.A.C., addresses a business entity's internal controls and maintenance

of personnel records. This rule specifically requires an annual review of slot machine licensee business conduct to assure that it is in compliance with Chapter 551, F.S. The amendment to Rule 61D-14.061, F.A.C., provides that full cash storage boxes when removed from a machine must be taken directly to a physically secured cage or to the count room under surveillance observation and security escort. The amendment to Rule 61D-14.065, F.A.C., revises count room procedures and requirements for clothing used in the count room, and provides responsibilities and maintenance requirements to update entry and exit records during a count procedure. The amendment to Rule 61D-14.076, F.A.C., provides requirements for the player tracking system; submission of a description of all promotion tracking procedures within a slot machine licensee's internal controls; requires all promotions be submitted to the division for approval 30 calendar days in advance; ongoing patron loyalty programs and player clubs be reviewed annually; internal control procedures provide for approval of award programs; and access to the player tracking system or promotional system be controlled and under surveillance. The amendment to Rule 61D-14.096, F.A.C., specifies the slot machine licensee's and division's responsibilities for the shipment of slot machines into, out of and within the state.

RULEMAKING AUTHORITY: 551.103(1), 551.109(2)(a), (b), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (h), (i), 551.104(4)(h), 551.106(2), (3), (4), (5), 551.107(4)(a), (b), (5)(a), (b), (6), (a), (c), 551.108(1), (3), 551.109(2)(a), (b), 551.113(3), 551.114(5), 551.121 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:

TIME AND DATE: November 8, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

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 NO.: 62-621.300
RULE TITLE: Permits

PURPOSE AND EFFECT: The Department is revising subsection 62-621.300(1), F.A.C., Generic Permit for Discharges From Petroleum Contaminated Sites and subsection 62-621.300(2), F.A.C., Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. These revisions will update the existing generic permits that have not changed substantively since they were adopted in 1995. The revisions will reflect current NPDES program requirements, bring effluent monitoring and limitations up-to-date with current limits established in Chapter 62-302, F.A.C., and improve and streamline permit issuance.

SUBJECT AREA TO BE ADDRESSED: These two generic permits authorize discharge of ground water to surface water from specific types of contaminated and non-contaminated sites. They are used for construction related projects including removal and replacement of underground storage tanks, long-term and short-term petroleum site cleanup activities, installation of underground utilities (such as water, sewer electrical and communications lines), and construction of large buildings with significant below-grade foundations and basements.

RULEMAKING AUTHORITY: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885 FS.

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

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m.

Revisions to subsection 62-621.300(1), Generic Permit for Discharges From Petroleum Contaminated Sites

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399

DATE AND TIME: Monday November 8, 2010, 2:00 p.m.

Revisions to subsection 62-621.300(2), Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, 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: Shirley Shields, (850)245-8589 or Abel Agosto at (850)245-8603. 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: Shirley Shields, Florida Department of Environmental Protection, MS 3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8589, email shirley.shields@dep.state.fl.us., or Abel Agosto, Florida Department of Environmental Protection, MS 3545, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8603, email: abel.agosto@dep.state.fl.us. Copies will be available by November 1, 2010

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

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:	RULE TITLES:
63H-1.001	Purpose and Scope
63H-1.002	Definitions
63H-1.004	Authorized Techniques
63H-1.006	Supervision of Youth in Mechanical Restraints
63H-1.010	Cross-Over Training
63H-1.011	Rehired Employee Training
63H-1.013	Testing Requirements
63H-1.014	Training Instructor Qualifications
63H-1.016	Law Enforcement Operations and Partnerships

PURPOSE AND EFFECT: The amendments to the department’s Protective Action Response (PAR) verbal and physical intervention program are necessary to accommodate county operation of juvenile detention centers.

SUBJECT AREA TO BE ADDRESSED: References to state operated and contracted facilities are revised to include county operation of detention centers and facilities.

RULEMAKING AUTHORITY: 985.64, 985.645 FS.

LAW IMPLEMENTED: 985.645 FS.

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

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:	RULE TITLES:
63H-2.001	Purpose and Scope
63H-2.002	Definitions
63H-2.0075	County Operated Detention Staff
63H-2.008	Instructor Qualifications

PURPOSE AND EFFECT: Amendments to the rule chapter governing training of direct care staff are necessary to accommodate county operation of detention centers.

SUBJECT AREA TO BE ADDRESSED: References to state operated and contracted facilities and programs are amended to accommodate county operation of detention centers. A rule section is added to govern training of county operated detention center staff.

RULEMAKING AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.601(8) FS.

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

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-4.002	Advertising and Soliciting by Dentists

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language for advertising and soliciting by dentists.

SUBJECT AREA TO BE ADDRESSED: Advertising and soliciting by dentists.

RULEMAKING AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

VIOLATIONS	PENALTY
(a)1.-3. No change.	
<u>4. Failure to attend during the first biennium or within twelve (12) months of initial licensure one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted, in satisfaction of continuing education requirements after initial licensure.</u>	<u>\$500.00 fine and required attendance of one full day of Board meeting.</u>
(5) through (6) No change.	

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.010
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and penalties.

SUBJECT AREA TO BE ADDRESSED: Violations and penalties will be updated.

RULEMAKING AUTHORITY: 456.072, 456.077, 461.005FS, 461.007 FS.

LAW IMPLEMENTED: 456.013(6), 456.072, 456.077, 461.013 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 Podiatric medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B18-14.010 Citations.
- (1) through (3) No change.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-16.005
 RULE TITLE: Content of Residency Program – Reports

PURPOSE AND EFFECT: The Board proposes the development of rule requirements of program director in relation to timely forwarding residency information to the Board.

SUBJECT AREA TO BE ADDRESSED: Content of Residency Program.

RULEMAKING AUTHORITY: 461.005, 461.014(4) FS.

LAW IMPLEMENTED: 456.072(1)(j), (k), (l), 461.013(1)(g), (h), (i), 461.014 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: Bruce Deterding, Executive Director, Board of Podiatric medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.007
RULE TITLE: Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirements for forensic psychological evaluations of minors, including the appropriate APA guidelines and the manner in which licensees may obtain these guidelines.

SUBJECT AREA TO BE ADDRESSED: The appropriate APA guidelines and the method for obtaining said guidelines.

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.009(2)(s) 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-16.001	General
64E-16.002	Definitions
64E-16.003	Facility Policies and Procedures
64E-16.004	Storage and Containment
64E-16.005	Labeling
64E-16.006	Generator Requirements
64E-16.007	Treatment
64E-16.008	Biomedical Waste Transport
64E-16.009	Registration of Biomedical Waste Transporters
64E-16.010	Inspections
64E-16.011	Permits
64E-16.012	Fees
64E-16.013	Enforcement and Penalties

PURPOSE AND EFFECT: The purpose of the proposed rule is to update Chapter 64E-16, F.A.C., by incorporating necessary technical changes and modifications which will make it current with industry changes.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Requirements for biomedical waste facilities that generate, transport, store, or treat biomedical waste; definitions; facility policy and procedure requirements; treatment process requirements; registrations; permits and exemptions; and fees.

RULEMAKING AUTHORITY: 381.006, 381.0098 FS.

LAW IMPLEMENTED: 154.06, 381.0098 FS.

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

DATE AND TIME: Monday, November 15, 2010, 9:00 a.m.

PLACE: Florida Department of Health, Bureau of Community Environmental Public Health, 4042 Bald Cypress Way, Room 301, 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 7 hours before the workshop/meeting by contacting: Laura Wehunt, Bureau of Community Environmental Public Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. 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: Gina Vallone-Hood, Bureau of Community Environmental Public Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-14.010
RULE TITLE: General Sanitation and Safety

PURPOSE AND EFFECT: Chapter 2010-161, Laws of Florida, signed into law by the Governor on June 1 and effective July 1, 2010, eliminated the Department of Health's regulatory authority over food hygiene and sanitation in licensed child caring agencies otherwise regulated by the Department of Children and Families under Section 409.175, Florida Statutes, and Chapter 65C-14, Florida Administrative Code. The effect of Chapter 2010-161, Laws of Florida, is that there are currently no administrative rules providing minimum standards for certain food storage, preparation, and service and other sanitation activities in licensed child caring agencies. This has created an immediate serious threat to the health and safety of children served in these facilities. This situation makes it necessary for the Department of Children and

Families (DCF) to add language to Chapter 65C-14, Florida Administrative Code, to provide standards to be used by the Department of Health (DOH) when inspecting child-caring agencies on behalf of the Department pursuant to Section 409.175(6)(e), Florida Statutes. This emergency rule will provide the regulatory basis for continued inspections of food hygiene and sanitation to ensure client safety in licensed child caring agencies pending the Department's adoption of permanent rules.

SUBJECT AREA TO BE ADDRESSED: Standards for the measurement of safety and sanitation issues in child-caring agencies.

RULEMAKING AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stacey Cleveland, Statewide Licensing Specialist, 1317 Winewood Boulevard, Tallahassee, Florida 32399, phone: (850)921-8833; Email: Stacey_Cleveland@dcf.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-20.014
RULE TITLE: Gold Seal Quality Care Program

PURPOSE AND EFFECT: Senate Bill 2014 revised Florida Statute 402.281 to include that the Department of Children and Family Services “adopt rules establishing Gold Seal Quality Care accreditation standards based on the applicable accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.”

SUBJECT AREA TO BE ADDRESSED: Proposed rule changes for the Gold Seal Quality Care Program.

RULEMAKING AUTHORITY: 402.281 FS.

LAW IMPLEMENTED: Chapter 2010-210, Laws of Florida.

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

DATE AND TIME: November 10, 2010, 9:00 a.m.

PLACE: Workshop held via teleconference

1. Go to: https://www.livemeeting.com/cc/1317_winewood_blvd/join?id=SG5M5T&role=attend&pw=KJXHf%5D7Mz, and

2. Call in toll-free number 1(888)808-6959 (US/Canada)

Conference Code: 4884900#

When joining the conference call, hit *6 to mute your line and #6 to unmute.

A copy of the proposed changes will be posted to www.myflorida.com/childcare, What's New.

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 hours before the workshop/meeting by contacting: Department of Children and Family Services, Child Care Program Office – Samantha Wass de Czege, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900. 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: Department of Children and Family Services, Child Care Program Office – Samantha Wass de Czege, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-22.009
RULE TITLE: Gold Seal Quality Care Program

PURPOSE AND EFFECT: Senate Bill 2014 revised Florida Statute 402.281 to include that the Department of Children and Family Services “adopt rules establishing Gold Seal Quality Care accreditation standards based on the applicable accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.”

SUBJECT AREA TO BE ADDRESSED: Proposed rule changes for the Gold Seal Quality Care Program.

RULEMAKING AUTHORITY: 402.281 FS.

LAW IMPLEMENTED: Chapter 2010-210, Laws of Florida.

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

DATE AND TIME: November 10, 2010, 9:00 a.m.

PLACE: Workshop held via teleconference

1. Go to: https://www.livemeeting.com/cc/1317_winewood_blvd/join?id=SG5M5T&role=attend&pw=KJXHf%5D7Mz, and

2. Call in toll-free number 1(888)808-6959 (US/Canada)

Conference Code: 4884900#

When joining the conference call, hit *6 to mute your line and #6 to unmute.

A copy of the proposed changes will be posted to www.myflorida.com/childcare, What's New.

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: Department of Children and Family Services, Child Care Program Office – Samantha Wass de Czege, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900. 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: Department of Children and Family Services, Child Care Program Office – Samantha Wass de Czege, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-180.040	Consumer Collection Agency Complaint Form and Procedures
69V-180.070	Location of Records
69V-180.080	Consumer Collection Agency Records
69V-180.090	Consumer Collection Agency Records Destruction
69V-180.100	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: The proposed rules: 1) revise the consumer complaint form to conform to statutory requirements; 2) adopt books and records requirements for consumer collection agencies as authorized by Section 559.5556, F.S.; and 3) establish guidelines for imposing administrative penalties as required by Section 559.730(3), F.S.

SUBJECT AREA TO BE ADDRESSED: Regulation of Consumer Collection Practices.

RULEMAKING AUTHORITY: 559.725(3), 559.5556, 559.730(3) FS.

LAW IMPLEMENTED: 559.5556, 559.565(1), 559.72, 559.725(6), 559.730(3) 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com. It is requested that persons who are interested in a rule development workshop notify the Office within 14 days of the date of this notice.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-180.040 Consumer Collection Agency Complaint Form and Procedures.

Each consumer desiring to file a complaint against a consumer collection agency shall submit to the Office of Financial Regulation a completed complaint form, Form OFR-CCA-103, effective 2-15-94, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, Division of Finance, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0376, or online at <http://www.flofr.com>. ~~of Agriculture and Consumer Services, Division of Consumer Services, Mayo Building, Tallahassee, Florida 32399-0800.~~ Such form shall be filed with the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 ~~32399-0375~~.

Rulemaking Specific Authority 559.725(3) 47-29 FS. Law Implemented 559.72, 559.725(3) 559.725 FS. History—New 2-15-94, Formerly 3D-180.040, Amended _____.

69V-180.070 Location of Records.

(1) A registrant may maintain the required books, accounts, records, documents, and receipts at a location other than the principal place of business. The registrant must notify the Office in writing prior to said books, accounts, records, documents, and receipts being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

(2) If the Office is notified by a registrant that it will maintain the books, accounts, records, documents, and receipts at a location other than the principal place of business, such books, accounts, records, documents, and receipts shall be made available to the Office for review within 3 business days from the date of a written request by the Office and at the Tallahassee site of the Office of Financial Regulation or at a mutually agreeable location.

(3) All books, accounts, records, documents, and receipts must be maintained for at least 3 years from the date the consumer satisfied the debt being collected or the registrant has ceased collection efforts from the consumer.

Rulemaking Authority 559.5556 FS. Law Implemented 559.5556 FS. History--New _____.

69V-180.080 Consumer Collection Agency Records.

A registrant shall, at a minimum, maintain all records specified in this rule. Records shall be kept current to within one week of the current date. Computerized records that contain the equivalent of the information required to be maintained by this rule are acceptable. The following records shall be maintained:

(1) In accordance with the two-party consent requirement of Section 934.03, Florida Statutes, each registrant shall record all incoming and outgoing phone calls when collecting or attempting to collect a debt. Each recorded phone call shall note the following:

- (a) The full name of the consumer attempting to be contacted or contacting the registrant;
- (b) The day the phone call was placed or received;
- (c) The time the phone call was placed or received;
- (d) The phone number dialed if placing an outgoing phone call;
- (e) The disposition of the phone call;
- (f) The person making the phone call on behalf of the registrant.

(g) In addition, each registrant shall maintain an audible recording of all incoming and outgoing phone calls when collecting or attempting to collect a debt.

(2) A copy of the contract or agreement that the registrant will use with its creditors.

(3) Records relating to the referrals made by a creditor to the registrant, identifying the name of the debtors, and the amount of the debt owed by each.

(4) The debtor's account of activity disclosing the following:

- (a) The name and address of the debtor;
- (b) The date that the account was referred/acquired and account number;
- (c) The actual amount of the claim submitted by the creditor;
- (d) The name and address of the creditor or a means of identifying this information by code or account number; and
- (e) A record of payments made by the debtor, including the date received and the amount and balance owing;

(5) A debtor's receipt for cash payments made to the registrant. The document shall provide space for recording:

- (a) Name and address of registrant;
- (b) Name of debtor;
- (c) Date and amount of payment received;
- (d) Balance owing;

(e) Name of the creditor; and

(f) Name of the person accepting payment.

(6) Documentation recording the dates and amounts of remittances by the registrant to the creditor.

(7) All form letters and stationery used by a registrant shall be maintained in a file and made available at all times for review by the Office of Financial Regulation.

(8) The name of the financial institution or institutions where the registrant's accounts will be maintained, and the identifying numbers assigned by the financial institutions to the accounts.

(9) All written agreements executed between the registrant and the debtor after the account has been received from the creditor.

(10) Basic information about the debt including, at the minimum:

- (a) Proof of indebtedness;
- (b) The date the debt was incurred and the date of the last payment;
- (c) The identity of the original creditor as known to the debtors;

(d) The amount of the debt principal and an itemization of all interest, fees, or charges added to it by the original creditor and all subsequent holders;

(e) The chain of title if the debt has been sold.

(11) A copy of all letters, emails, and correspondence, written or electronically sent to a debtor.

(12) All phone numbers used by a registrant shall be disclosed and maintained in a file and made available at all times for review by the Office of Financial Regulation.

Rulemaking Authority 559.5556 FS. Law Implemented 559.5556, 559.72 FS. History--New _____.

69V-180.090 Consumer Collection Agency Records Destruction.

(1) A registrant must have written policies and procedures for the secure handling of all consumer documents and information received in the course of collecting a debt from a consumer. Such procedures must include, at a minimum, the following steps, as appropriate:

(a) A secure method of destroying consumer information, such as those prescribed in 16 C.F.R. Part 682 (2010), which relates to disposal of consumer report information and records under section 216 of the Fair and Accurate Credit Transactions Act of 2003.

(b) Maintaining records of the destruction including which records were destroyed, when were the records destroyed, where were the records destroyed, and who destroyed the records.

(2) The federal regulations referenced in this rule are incorporated by reference and may be obtained by mail from the Office of Financial Regulation, Division of Finance, 200 E. Gaines Street, Tallahassee, Florida 32399-0376. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Authority 559.5556 FS. Law Implemented 559.5556 FS. History--New _____.

69V-180.100 Guidelines for Imposing Administrative Penalties.

Pursuant to Section 559.730(3), F.S., listed below are guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a person for a violation of Part VI, Chapter 559, F.S. In determining an appropriate penalty within the range of penalties prescribed in this rule for each occurrence as based upon the violation, the Office shall consider the circumstances set forth in subsection (25).

	<u>Statute</u>	<u>Violation Description</u>	<u>1st Occurrence</u>	<u>2nd Occurrence</u>	<u>3rd & Subsequent Occurrences</u>
(1)	<u>559.565(1)</u>	<u>An out-of-state consumer debt collector who collects or attempts to collect consumer debts in this state without first registering in accordance with this part.</u>	<u>Fine: B Cease and Desist</u>	<u>Fine: C Cease and Desist</u>	
(2)	<u>559.72(1)</u>	<u>Simulate in any manner a law enforcement officer or a representative of any governmental agency.</u>	<u>Fine: A</u>	<u>Fine: B Suspension: A</u>	<u>Fine: C Revocation</u>
(3)	<u>559.72(2)</u>	<u>Use or threaten force or violence.</u>	<u>Fine: B Suspension: C</u>	<u>Fine: C Revocation</u>	
(4)	<u>559.72(3)</u>	<u>Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed</u>	<u>Fine: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(5)	<u>559.72(4)</u>	<u>Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor</u>	<u>Fine: A</u>	<u>Fine: B Suspension: C</u>	<u>Fine: C Revocation</u>
(6)	<u>559.72(5)</u>	<u>Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false</u>	<u>Fine: A</u>	<u>Fine: B Suspension: C</u>	<u>Fine: C Revocation</u>

(7)	559.72(6)	<u>Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact or failed to notify within 30 days the details of the dispute to each person to whom disclosure was made</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(8)	559.72(7)	<u>Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Revocation</u>
(9)	559.72(8)	<u>Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(10)	559.72(9)	<u>Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate or assert the existence of some other legal right when such person knows that the right does not exist</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>	
(11)	559.72(10)	<u>Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued or approved by a government, governmental agency, or attorney at law, when it is not</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(12)	559.72(11)	<u>Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(13)	559.72(12)	<u>Orally communicate with a debtor in a manner that gives the false impression or appearance that such person is or is associated with an attorney</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(14)	559.72(13)	<u>Advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor</u>	<u>Fine: B</u> <u>Suspension</u>	<u>Fine: C</u> <u>Revocation</u>	
(15)	559.72(13)	<u>Threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>

(16)	559.72(14)	<u>Publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>	
(17)	559.72(14)	<u>Threaten to publish or post before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(18)	559.72(15)	<u>Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(19)	559.72(16)	<u>Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(20)	559.72(17)	<u>Communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(21)	559.72(18)	<u>Communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(22)	559.72(19)	<u>Cause a debtor to be charged for communications by concealing the true purpose of the communication</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(23)	559.725(6)	<u>Failure to provide a written response to a consumer complaint within 45 days of written request</u>	<u>\$150 per day</u>	<u>\$200 per day</u>	<u>\$250 per day</u>

(24) In accordance with this rule:

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a person, or revocation of a person or any combination thereof;

(b) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances; and

(c) The Office will consider the person's disciplinary history for the past five years in determining an appropriate penalty, and may impose a more severe penalty when the disciplinary history includes past violations.

(25) In accordance with Section 559.730, F.S., the Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in this rule for each violation. The Office also shall consider these circumstances when determining whether a deviation from the range of sanctions prescribed in the disciplinary guidelines is warranted:

(a) The degree of harm to the public;

(b) The disciplinary history of the person;

(c) Whether the person detected and voluntarily instituted corrective responses or measures to avoid the recurrence of a violation prior to detection and intervention by the Office;

(d) Whether the person's violation was the result of willful misconduct or recklessness;

(e) Whether at the time of the violation, the person had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

(f) Whether the person attempted to conceal the violation or mislead or deceive the Office;

(g) The length of time over which the person engaged in the violations; and

(h) Other relevant, case-specific circumstances.

(26) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Section 559.730, F.S.

(27) The ranges for administrative fines imposed by this rule are \$1,000 to \$3,500 for an "A" level fine; \$3,500 to \$7,500 for a "B" level fine; and \$7,500 to \$10,000 for a "C" level fine.

(28) The ranges for suspensions imposed by this rule are 3 to 10 days for an "A" level suspension; 10 to 20 days for a "B" level suspension; and 20 to 30 days for a "C" level suspension. However, the Office may, by order, impose a period of suspension shorter or longer than these ranges.

(29) A previous "occurrence" is the same or similar misconduct which was the subject of a Final Order entered by the Office prior to the acts or omissions which are the subject of the current action by the Office.

Rulemaking Authority 559.730(3) FS. Law Implemented 559.565(1), 559.72, 559.725(6), 559.730 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: RULE TITLE:
1A-37.001 Mission San Luis-Site Use and Rental

PURPOSE AND EFFECT: This rule amendment updates the use and rental guidelines for the Mission San Luis site including facilities and grounds to reflect current practices and procedures. The revisions also reflect the addition of the military Fort exhibit and more recently, the new Visitor Center opened in 2007 and 2009, respectively. The new Visitor Center is now available for use and rent.

SUMMARY: This rule amendment updates the use and rental process, and forms for the Mission San Luis' facilities or site.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule amendment has no impact on small business.

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

RULEMAKING AUTHORITY: 20.10(3), 267.031, 267.17(2)(b) FS.

LAW IMPLEMENTED: 267.061(1), 267.14, 267.17 FS.

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

DATE AND TIME: November 16, 2010, 10:30 a.m.

PLACE: Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

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: Dr. Ryan Wheeler, Chief, Bureau of Archaeological Research, at (850)245-6301; email: rjwheeler@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ryan Wheeler, Chief, Bureau of Archaeological Research, Department of State, at (850)245-6301; email: rjwheeler@dos.state.fl.us, or General Counsel's Office, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-37.001 Mission San Luis-Site Use and Rental of Mission San Luis Facilities.

(1) General provisions. Pursuant to ~~Section 267.17, F.S.,~~ The grounds and facilities buildings of Mission San Luis (Mission) may be made available for visitation and for rental through an agreement with the Friends of Mission San Luis, Inc. (FOMSL) pursuant to Section 267.17, F.S.

(a) The Mission welcomes site uses and rentals that are appropriate and consistent with the seventeenth-century setting at this historic property.

(b) The use of the Mission grounds or the rental of Mission facilities should advance public knowledge and appreciation of the site. Facilities must be used in a manner consistent with the state policy relative to historic properties in Sections 267.14 and 267.061(1), F.S.

~~(c)(b) Mission San Luis is a National Historic Landmark, and an important historical and archaeological site. No digging or ground disturbance of any kind is permitted on site. Events shall not permanently alter the site with equipment or decorations.~~