

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: **RULE TITLES:**

- 2A-7.001 Definitions
- 2A-7.0021 Eligibility
- 2A-7.0022 Application Process

PURPOSE AND EFFECT: To clarify the terms and statutory requirements for victims of domestic violence and stalking.

SUBJECT AREA TO BE ADDRESSED: Address Confidentiality Program.

RULEMAKING AUTHORITY: 741.409 FS.

LAW IMPLEMENTED: 741.401-.465, 97.0585 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: Christina Harris, Chief, Bureau of Advocacy and Grants Management, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

DEPARTMENT OF EDUCATION

State Board of Education

- RULE NO.:** **RULE TITLE:**
- 6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program

PURPOSE AND EFFECT: Pursuant to Section 1002.69(1), Florida Statutes, the Department shall develop and adopt performance standards for students in the Voluntary Prekindergarten (VPK) Education Program. The performance standards must address the age-appropriate progress of students in the development of the capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution, and emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The purpose of the rule development is to adopt revised Standards for students in the VPK Education Program.

SUBJECT AREA TO BE ADDRESSED: Standards for students in the VPK Education Program.

RULEMAKING AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Two separate webinars will be held on Monday, May 23, 2011. The first webinar is scheduled from 10:00 a.m. – 12:00 Noon. The second webinar is scheduled from 2:00 p.m. – 4:00 p.m.

PLACES: To join the first webinar (10:00 a.m. – 12:00 Noon.), please click on the following link: <https://suncom.webex.com/suncom/j.php?ED=158152687&UID=492662297&PW=NNGE0YmY2YmU3&RT=MmMxMQ%3D%3D>, and call in to the Conference Call Number: 1(888)808-6959 (Code: 921-3167).

To join the second webinar, repeated from the morning session (2:00 p.m. – 4:00 p.m.), please click on the following link: <https://suncom.webex.com/suncom/j.php?ED=158152862&UID=492662297&PW=NMTIIZGjYTM&RT=MmMxMQ%3D%3D>, and call in to the Conference Call Number: 1(888)808-6959 (Code: 921-3167).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0445

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program.

Minimum student performance standards adopted by the State Board of Education for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in the publication “Florida Early Learning and Developmental Standards for Four-Year-Olds 2011 ~~2008~~.” The standards incorporated in this document are hereby incorporated by reference in this rule and made a part of the rules of the State Board of Education to become effective with the effective date of this rule.

Rulemaking Specific Authority 1002.79(1) FS. Law Implemented 1002.67(1) FS. History--New 7-25-07, Amended 9-22-08,_____.

DEPARTMENT OF EDUCATION

State Board of Education

- RULE NO.:** **RULE TITLE:**
- 6A-10.0342 Vocational Education Program Performance Reporting

PURPOSE AND EFFECT: The purpose of this rule development is to update existing rule language and processes. The effect will be a rule that is more clearly defined.

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education.

RULEMAKING AUTHORITY: 1008.43 FS.

LAW IMPLEMENTED: 1008.43 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: Tara Goodman, Bureau Chief, Budget, Accountability and Assessment, 325 West Gaines St., Suite 744, Tallahassee, FL 32399-0400, (850)245-9002, tara.goodman@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (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.

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-3.001	Definitions and Forms
27M-3.002	Application Process
27M-3.003	Certification Decision

PURPOSE AND EFFECT: To implement the Black Business Loan Program pursuant to Section 288.7102, F.S.

SUBJECT AREA TO BE ADDRESSED: Black Business Loan Program.

RULEMAKING AUTHORITY: 288.7102(7) FS.

LAW IMPLEMENTED: 288.7102 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 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.

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.018	Trade and Cash Discounts
12A-1.074	Trade-Ins

PURPOSE AND EFFECT: Rule 12A-1.074, F.A.C. (Trade-Ins), provides that, for a trade-in credit to be allowed against the sales price of an item, any used article to be taken in trade must be taken “at the time of sale.” In Department of Revenue v. Gamestop, Inc. (Case No. 1D10-2899, November 18, 2010), the appellate court affirmed that the phrase “at the time of sale” effectively negates Section 212.09, F.S., and is an invalid exercise of delegated legislative authority. The purpose of the proposed amendments to this rule is to remove the phrase “at the time of sale.”

The subject of the provisions of Rule 12A-1.018, F.A.C. (Trade and Cash Discounts), is discounts, not trade-ins. The purpose of the proposed amendments to this rule is to remove the unnecessary reference to the term “trade-ins,” consistent with the court’s ruling in Department of Revenue v. Gamestop, Inc. SUMMARY: The proposed amendments to Rule 12A-1.018, F.A.C. (Trade and Cash Discounts), remove the unnecessary reference to “trade-ins” from the rule.

The proposed amendments to Rule 12A-1.074, F.A.C. (Trade-Ins), remove provisions which require that, for a trade-in credit to be allowed against the sales price of an item, the item taken in trade must be taken “at the time of sale.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

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

LAW IMPLEMENTED: 212.02(15), (16), 212.07(2), (3), 212.09, 212.12(9) FS.

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

DATE AND TIME: June 1, 2011, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 2503, Tallahassee, Florida