

(7) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user’s license or registration has expired or has been suspended or revoked.

Rulemaking Authority 381.0011(13), 381.003(1), (2), 381.005(3), ~~381.005(2)~~, 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, 7-28-08, 12-29-10, _____.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 9-11.001 | Scope |
| 9-11.002 | Policy |
| 9-11.003 | Definitions |
| 9-11.005 | Progressive Discipline |
| 9-11.006 | Types of Disciplinary Action |
| 9-11.007 | Procedure for Oral Reprimand |
| 9-11.008 | Procedure for Written Reprimand |
| 9-11.009 | Procedure for Reduction in Pay or Demotion |
| 9-11.010 | Procedure for Suspension |
| 9-11.011 | Procedure for Dismissal |
| 9-11.012 | Extraordinary Situations |
| 9-11.013 | Authority for Implementing Disciplinary Action |
| 9-11.015 | Standard Ranges of Disciplinary Action |

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9-11, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A
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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(2), 110.227(1), (5)(a), (b), 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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 RULES IS: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9-11.001 Scope.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS. History–New 6-14-83, Formerly 9-11.01, Repealed _____.

9-11.002 Policy.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.002, 22A-10.003 F.A.C. History–New 6-14-83, Formerly 9-11.02, Repealed _____.

9-11.003 Definitions.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., History–New 6-14-83, Formerly 9-11.03, Repealed.

9-11.005 Progressive Discipline.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(1) FS., 22A-10.003(1), (3), F.A.C. History–New 6-14-83, Formerly 9-11.05, Repealed.

9-11.006 Types of Disciplinary Action.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.003(4), F.A.C. History–New 6-14-83, Formerly 9-11.06, Repealed.

9-11.007 Procedure for Oral Reprimand.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.003, F.A.C. History–New 6-14-83, Formerly 9-11.07, Repealed.

9-11.008 Procedure for Written Reprimand.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.003, F.A.C. History–New 6-14-83, Formerly 9-11.08, Repealed.

9-11.009 Procedure for Reduction in Pay or Demotion.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.003, F.A.C. History–New 6-14-83, Formerly 9-11.09, Repealed.

9-11.010 Procedure for Suspension.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(4) FS., 22A-7.010(6), 22A-10.002(1), 22A-10.003, 22A-10.0041 through 22A-10.0046, F.A.C. History–New 6-14-83, Formerly 9-11.10, Repealed.

9-11.011 Procedure for Dismissal.

Rulemaking Specific Authority 110.201 FS. Law Implemented 110.201(2), 110.227(5)(a) FS., 22A-10.002(1), 22A-10.003, 22A-10.0041 through 22A-10.0046, F.A.C. History–New 6-14-83, Formerly 9-11.11, Repealed.

9-11.012 Extraordinary Situations.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.227(5)(b) FS., 22A-10.0046, F.A.C. History–New 6-14-83, Formerly 9-11.12, Repealed.

9-11.013 Authority for Implementing Disciplinary Action.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.002, 22A-10.003, F.A.C. History–New 6-14-83, Formerly 9-11.13, Repealed.

9-11.015 Standard Ranges of Disciplinary Action.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.002, 22A-10.003, F.A.C. History–New 6-14-83, Formerly 9-11.15, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

RULE NO.: RULE TITLE:

9-13.003 Procedures

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: This rule was identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for this rule has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9-13.003, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 287.09451(6) FS.

LAW IMPLEMENTED: 287.09451(6) 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9-13.003 Procedures.

Rulemaking Specific Authority 287.09451(6) FS. Law Implemented 287.09451(6) FS. History--New 10-6-88, Amended 9-3-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-24.016 RULE TITLE: Forms

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: This rule was identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for this rule has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9B-24.016, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 120.53(1), 163.03(3) FS.

LAW IMPLEMENTED: 163.03 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-24.016 Forms.

Rulemaking Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History--New 11-20-85, Formerly 9B-24.16, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.: 9B-29.001, 9B-29.002, 9B-29.003 RULE TITLES: Short Title, Purpose, Approval of Comprehensive Plan and Local Land Use Regulations

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: These rules were identified during the comprehensive rule review required by Executive 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9B-29, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of

the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.05(6) FS.

LAW IMPLEMENTED: 380.05(6) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: David L. Jordan, Deputy General Counsel, Department of Community Affairs, (850)922-1720, e-mail address: david.jordan@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-29.001 Short Title.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6) FS. History--New 10-10-84, Formerly 9B-29.01, Repealed _____.

9B-29.002 Purpose.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6) FS. History--New 10-10-84, Formerly 9B-29.02, Repealed _____.

9B-29.003 Approval of Comprehensive Plan and Local Land Use Regulations.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6) FS. History--New 10-10-84, Formerly 9B-29.03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David L. Jordan, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.: RULE TITLES:

9B-56.002 Definitions

9B-56.003 Implementation

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rules 9B-56.002 and .003, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 553.141(3), (4) FS.

LAW IMPLEMENTED: 553.141(1), (2), (3) 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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 RULES IS: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-56.002 Definitions.

Rulemaking Specific Authority 553.141(4) FS. Law Implemented 553.141(1), (2) FS. History–New 6-8-94, Amended 9-7-00, Repealed _____.

9B-56.003 Implementation.

Rulemaking Specific Authority 553.141(3), (4) FS. Law Implemented 553.141(1), (2), (3) FS. History–New 6-8-94, Amended 9-7-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 26, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.: 9B-70.001 RULE TITLES: Building Code Core Education

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: This rule was identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for this rule has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9B-70.001, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.001 Building Code Core Education.

Rulemaking Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History–New 4-20-00, Amended 10-14-01, 6-13-04, 6-8-05, 4-30-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 26, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-76.001 RULE TITLE: Administration

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: This rule was identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for this rule has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9B-76.001, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: Chapter 2009-1, Laws of Florida.

LAW IMPLEMENTED: Chapter 2009-1, Laws of Florida.

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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-76.001 Administration.

Rulemaking Specific Authority Chapter 2009-01, Laws of Florida. Law Implemented Chapter 2009-01, Laws of Florida. History–New 8-25-10, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Richmond, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

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|------------------|--------------------------------------|
| RULE NO.: | RULE TITLE: |
| 9J-7.003 | Approval of Local Comprehensive Plan |

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9J-7.003, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.05(14) FS.

LAW IMPLEMENTED: 380.05(14) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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: Lynette Norr, Assistant General Counsel, Department of Community Affairs, (850)922-1690, e-mail address: lynette.norr@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9J-7.003 Approval of Local Comprehensive Plan.

Rulemaking Specific Authority 380.05(14) FS. Law Implemented 380.05(14) FS. History–New 1-8-86, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynette Norr, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 9J-8.003 | Approval of Amendments to Local Land Development Regulations |
| 9J-8.0041 | Approval of Amendments to Local Comprehensive Plan |
| 9J-8.007 | Rejection of Amendments to Local Land Development Regulations |
| 9J-8.012 | Rejection of Amendments to Local Comprehensive Plan |
| 9J-8.015 | Approval of the Lake County Ordinance 1995-08 Adopting an Amendment to the County's Comprehensive Plan |
| 9J-8.016 | Approval of the City of Groveland Ordinance 95-01-01 Adopting an Amendment to the City's Comprehensive Plan |
| 9J-8.017 | Approval of Portions of Land Development Regulations and Rejection of Portions of Land Development Regulations Adopted by Lake County Ordinance No. 95-9 |
| 9J-8.018 | Approval of Lake County Ordinances 95-46 and 95-47 Adopting Amendments to the County's Land Development Regulations |
| 9J-8.019 | Approval of Lake County Ordinance 1996-13 Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern |
| 9J-8.020 | Approval of Lake County Ordinances 1996-19 to 24, 1996-40 and 1996-42 Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern |
| 9J-8.021 | Approval of Lake County Ordinances 1996-30, 1996-63 to 66, and 1996-77, Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern |

PURPOSE AND EFFECT: These rules are being repealed.
SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-8, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 163.3184(14), 380.05(6), (11) FS.

LAW IMPLEMENTED: 163.3184(14), 380.0551, 380.05(6), (11) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Lynette Norr, Assistant General Counsel, Department of Community Affairs, (850)922-1690, e-mail address: lynette.norr@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-8.003 Approval of Amendments to Local Land Development Regulations.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6) FS. History--New 11-16-81, Formerly 9B-18.03, 9B-18.003, Amended 4-6-86, 1-23-97, Repealed.

9J-8.0041 Approval of Amendments to Local Comprehensive Plan.

Rulemaking Specific Authority 380.05(6), (11), 163.3184(14) FS. Law Implemented 380.05(6), (11), 380.0551, 163.3184(14) FS. History–New 1-23-97, Repealed.

9J-8.007 Rejection of Amendments to Local Land Development Regulations.

Rulemaking Specific Authority 380.05(6), (11), 163.3184(14) FS. Law Implemented 380.05(6), (11), 163.3184(14) FS. History–New 4-6-93, Amended 1-23-97, Repealed.

9J-8.012 Rejection of Amendments to Local Comprehensive Plan.

Rulemaking Specific Authority 380.05(6), (11), 163.3184(14) FS. Law Implemented 380.05(6), (11), 380.0551, 163.3184(14) FS. History–New 7-13-94, Amended 1-23-97, Repealed.

9J-8.015 Approval of the Lake County Ordinance 1995-08 Adopting an Amendment to the County’s Comprehensive Plan.

Rulemaking Specific Authority 380.05(6), (11), 163.3184(14) FS. Law Implemented 380.05(6), (11), 163.3184(14) FS. History–New 11-22-95, Repealed.

9J-8.016 Approval of the City of Groveland Ordinance 95-01-01 Adopting an Amendment to the City’s Comprehensive Plan.

Rulemaking Specific Authority 380.05(6), (11), 163.3184(14) FS. Law Implemented 380.05(6), (11), 163.3184(14) FS. History–New 11-22-95, Repealed.

9J-8.017 Approval of Portions of Land Development Regulations and Rejection of Portions of Land Development Regulations Adopted by Lake County Ordinance No. 95-9.

Rulemaking Specific Authority 390.05(6), (11) FS. Law Implemented 380.05(6), (11), 380.0551 FS. History–New 11-29-95, Repealed.

9J-8.018 Approval of Lake County Ordinances 95-46 and 95-47 Adopting Amendments to the County’s Land Development Regulations.

Rulemaking Specific Authority 163.3184(14), 380.05(6), (11) FS. Law Implemented 163.3184(14), 380.05(6), (11) FS. History–New 5-1-96, Repealed.

9J-8.019 Approval of Lake County Ordinance 1996-13 Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern.

Rulemaking Specific Authority 380.05(6), (11) FS. Law Implemented 380.05(6), (11) FS. History–New 8-21-96, Repealed.

9J-8.020 Approval of Lake County Ordinances 1996-19 to 24, 1996-40 and 1996-42 Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern.

Rulemaking Specific Authority 380.05(6), (11) FS. Law Implemented 380.05(6), (11) FS. History–New 8-4-97, Repealed.

9J-8.021 Approval of Lake County Ordinances 1996-30, 1996-63 to 66, and 1996-77, Adopting Land Development Regulations Applicable to the Green Swamp Area of Critical State Concern.

Rulemaking Specific Authority 380.05(6), (11) FS. Law Implemented 380.05(6), (11) FS. History–New 4-3-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynette Norr, Assistant General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 9J-9.003 | Approval of Amendments to Local Land Use Regulations |
| 9J-9.004 | Approval of Amendments to Local Comprehensive Plan |
| 9J-9.005 | Rejection of Amendments to Local Comprehensive Plan |
| 9J-9.006 | Rejection of Amendments to Local Land Development Regulations |

PURPOSE AND EFFECT: These rules are being repealed.
 SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-9, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A
 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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 163.3184(14), 380.0551, 380.05(6), (11) FS.

LAW IMPLEMENTED: 163.3184(14), 380.05(6), (11), 380.0551 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Lynette Norr, Assistant General Counsel, Department of Community Affairs, (850)922-1690, e-mail address: lynette.norr@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-9.003 Approval of Amendments to Local Land Use Regulations.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6), 380.0551 FS. History--New 2-16-82, Amended 10-30-85, Formerly 9B-19.03, 9J-9.03, Amended 12-4-96, Repealed.

9J-9.004 Approval of Amendments to Local Comprehensive Plan.

Rulemaking Specific Authority 380.05(6) FS. Law Implemented 380.05(6), 380.0551 FS. History--New 10-30-85, Formerly 9B-19.04, 9J-9.04, Amended 12-4-96, Repealed.

9J-9.005 Rejection of Amendments to Local Comprehensive Plan.

Rulemaking Specific Authority 163.3184(14), 380.05(6), (11), 380.0551 FS. Law Implemented 163.3184(14), 380.05(6), (11), 380.0551 FS. History--New 2-5-92, Amended 12-4-96, Repealed.

9J-9.006 Rejection of Amendments to Local Land Development Regulations.

Rulemaking Specific Authority 163.3184(14), 380.05(6), (11) FS. Law Implemented 163.3184(14), 380.05(6), (11), 380.0551 FS. History--New 12-4-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynette Norr, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 9J-11.001 | Purpose |
| 9J-11.004 | Submittal Requirements for Proposed Local Government Comprehensive Plans |
| 9J-11.006 | Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments |
| 9J-11.007 | Data and Analysis Requirements for Proposed Local Government Comprehensive Plan Amendments |
| 9J-11.008 | Action Upon Receipt or Non-Receipt of Proposed Local Government Comprehensive Plan |
| 9J-11.009 | Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment |
| 9J-11.010 | Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment |
| 9J-11.011 | Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review |
| 9J-11.012 | Compliance Review and Notice of Intent |
| 9J-11.0131 | Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department |
| 9J-11.015 | Submittal Requirements for Adopted Small Scale Development Amendments |
| 9J-11.018 | Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments |
| 9J-11.022 | Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements |

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-11, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 163.3177(9), 163.31777, 163.3191(10), (12), 163.3202(5) FS.

LAW IMPLEMENTED: 163.3167(2), (3), 163.3171, 163.3174, 163.3175(2), (4), 163.3177, 163.3177(1), (3), (4)(b), (6), (7), (9), (10), (13), (14), 163.31777, 163.3184(1), (1)(b), (2), (3), (3)(a), (b), (4), (5), (6), (6)(a), (b), (c), (7), (14), (15), (16), (17), (18), 163.3178, 163.3181, 163.3184, 163.3184(1)(b), (2), (3), (4), (5), (6), (6)(a), (c), (8), (9), (10), (17), (18), 163.3187, 163.3187(1), (2), (5), (6), 163.3189, 163.3189(2), 163.3191, 163.3202, 163.3246(9)(a), 369.321(5), 380.06(6) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Lynette Norr, Assistant General Counsel, Department of Community Affairs, (850)922-1690, e-mail address: lynette.norr@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-11.001 Purpose.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.31777, 163.3181, 163.3184, 163.3187, 163.3191 FS. History–New 9-22-87, Amended 11-10-93, 11-6-96, 1-8-01, 11-24-02, Repealed.

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

Rulemaking Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1), (4)(b), (7), (9), 163.3184(2), (3), (14), (15), 163.3191 FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05, 4-17-06, 5-12-10, Repealed.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

Rulemaking Authority 163.3177(9) FS. Law Implemented 163.3177(3), (6), (9), (13), (14), 163.3184(1), (2), (3), (15), (17), (18), 163.3187(1), (2), (5), 163.3191, 369.321(5), 380.06(6) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06, 5-12-10, Repealed.

9J-11.007 Data and Analysis Requirements for Proposed Local Government Comprehensive Plan Amendments.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3171, 163.3174, 163.3177, 163.3178, 163.3181, 163.3184, 163.3187 FS. History–New 11-10-93, Amended 11-6-96, Repealed.

9J-11.008 Action Upon Receipt or Non-Receipt of Proposed Local Government Comprehensive Plan.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1)(b), (2), (3)(a), (b), (4), (5), (6)(a), (b), (c), 163.3187(2) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, Repealed.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

Rulemaking Authority 163.3177(9) FS. Law Implemented 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12), 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS. History–New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06, 5-12-10, Repealed.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9), (10), 163.3184(1)(b), (6)(a), (b), (c), 163.3189(2) FS. History–New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05, 4-17-06, Repealed.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

Rulemaking Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(3), (9), 163.3184(1)(b), (2), (6), (7), (15), (16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, 4-17-06, 5-12-10, Repealed.

9J-11.012 Compliance Review and Notice of Intent.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8), (9), (10) FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01, 11-24-02, 4-17-06, 5-12-10, Repealed.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History–New 11-10-93, Amended 11-6-96, 4-8-99, 11-24-02, 4-17-06, Repealed.

9J-11.015 Submittal Requirements for Adopted Amendments that Are Exempt from State and Regional Review.

Rulemaking Specific Authority 163.3177(9) FS. Law Implemented 163.3184(17), (18), 163.3187, 163.3246(9)(a) FS. History–New 11-10-93, Amended 11-6-96, 4-8-99, 6-30-05, 4-17-06, 5-12-10, Repealed.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

Rulemaking Specific Authority 163.3177(9), 163.3191(10), (12) FS. Law Implemented 163.3187(6), 163.3191 FS. History–New 11-6-96, Amended 4-8-99, 11-24-02, 4-17-06, Repealed.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

Rulemaking Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History–New 11-24-02, Amended 4-17-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynette Norr, Assistant General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:

RULE TITLES:

- 9J-14.029 Approval of Monroe County Ordinances 038-1994; 040-1994; 043-1994; and 045-1994 through 048-1994
- 9J-14.030 Approval of Monroe County Ordinance 025-1995
- 9J-14.031 Rejection of Monroe County Ordinance 027-1995
- 9J-14.032 Approval of Monroe County Ordinance 026-1995
- 9J-14.033 Approval of Monroe County Ordinance 030-1995
- 9J-14.035 Approval of Monroe County Ordinances 035-1995 and 036-1995
- 9J-14.036 Approval of Monroe County Ordinances 037-1995 through 043-1995
- 9J-14.037 Approval of Monroe County Ordinance 051-1995
- 9J-14.038 Approval of Monroe County Ordinances 004-1996 through 013-1996
- 9J-14.039 Approval of Monroe County Ordinances 039-1994, 044-1994, and 049-1994
- 9J-14.040 Approval of Monroe County Ordinances 047-1996, 048-1996, and 049-1996

PURPOSE AND EFFECT: These rules are being repealed.
SUMMARY: The proposed rule amendment will repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.
OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-14, F.A.C.
EFFECT ON THOSE OTHER RULES: N/A
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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of

the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552(7), (9) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Richard Shine, Assistant General Counsel, Department of Community Affairs, (850)922-1683, e-mail address: richard.shine@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-14.029 Approval of Monroe County Ordinances 038-1994; 040-1994; 043-1994; and 045-1994 through 048-1994.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 3-3-96, Repealed _____.

9J-14.030 Approval of Monroe County Ordinance 025-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 2-7-96, Repealed _____.

9J-14.031 Rejection of Monroe County Ordinance 027-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 2-7-96, Repealed _____.

9J-14.032 Approval of Monroe County Ordinance 026-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 2-13-96, Repealed _____.

9J-14.033 Approval of Monroe County Ordinance 030-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 2-19-96, Repealed _____.

9J-14.035 Approval of Monroe County Ordinances 035-1995 and 036-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 4-2-96, Repealed _____.

9J-14.036 Approval of Monroe County Ordinances 037-1995 through 043-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 4-30-96, Repealed _____.

9J-14.037 Approval of Monroe County Ordinance 051-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 6-5-96, Repealed _____.

9J-14.038 Approval of Monroe County Ordinances 004-1996 through 013-1996.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 7-7-96, Repealed _____.

9J-14.039 Approval of Monroe County Ordinances 039-1994, 044-1994, and 049-1994.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 12-26-9, Repealed _____.

9J-14.040 Approval of Monroe County Ordinances 047-1996, 048-1996, and 049-1996.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 2-27-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Shine, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| | |
|-------------------|---|
| RULE NOS.: | RULE TITLES: |
| 9J-17.005 | Approval of the City of Key Colony Beach Ordinance 272 Adopting the City’s Land Development Code |
| 9J-17.006 | Approval of the City of Key Colony Beach Ordinance 280 Adopting Amendments to the City’s Comprehensive Plan |

- 9J-17.007 Approval of Key Colony Beach Ordinance 299-1995
- 9J-17.008 Approval of Key Colony Beach Ordinance 300-1996

PURPOSE AND EFFECT: These rules are being repealed.
 SUMMARY: To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-17, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552(7), (9) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: David L. Jordan, Deputy General Counsel, Department of Community Affairs, (850)922-1720, e-mail address: david.jordan@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-17.005 Approval of the City of Key Colony Beach Ordinance 272 Adopting the City’s Land Development Code.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(9) FS. History–New 2-5-92, Repealed_____.

9J-17.006 Approval of the City of Key Colony Beach Ordinance 280 Adopting Amendments to the City’s Comprehensive Plan.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(9) FS. History–New 7-26-92, Repealed_____.

9J-17.007 Approval of Key Colony Beach Ordinance 299-1995.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7), (9) FS. History–New 5-26-96, Repealed_____.

9J-17.008 Approval of Key Colony Beach Ordinance 300-1996.

Rulemaking Specific Authority 380.0552(9) FS. Law Implemented 380.0552(7) FS. History–New 7-29-96, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Jordan, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 9J-19.002 | Purpose |
| 9J-19.003 | Role of Permit Coordinator |
| 9J-19.004 | Application Contents and Procedures |
| 9J-19.005 | Agency Participation |
| 9J-19.006 | Initiation of Coordinated Review |
| 9J-19.007 | Coordination of Time for Sufficiency Review |
| 9J-19.008 | Substantive Review |
| 9J-19.009 | Completion of Substantive Review |
| 9J-19.010 | Review by the State Land Planning Agency and the Regional Planning Council |
| 9J-19.011 | Intergovernmental Agreements |

PURPOSE AND EFFECT: These rules are being repealed.
 SUMMARY: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-19, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.051 FS.

LAW IMPLEMENTED: 380.051 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Richard Shine, Assistant General Counsel, Department of Community Affairs, (850)922-1683, e-mail address: richard.shine@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-19.002 Purpose.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.003 Role of Permit Coordinator.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.004 Application Contents and Procedures.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.005 Agency Participation.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.006 Initiation of Coordinated Review.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.007 Coordination of Time for Sufficiency Review.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.008 Substantive Review.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.009 Completion of Substantive Review.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.010 Review by the State Land Planning Agency and the Regional Planning Council.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

9J-19.011 Intergovernmental Agreements.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History–New 1-20-87, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Shine, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| RULE NOS.: | RULE TITLES: |
|-------------------|--|
| 9J-22.029 | Approval of City of Key West Land Development Regulation (Ordinance 95-8) |
| 9J-22.030 | Approval of City of Key West Land Development Regulation (Ordinance 95-25) |
| 9J-22.031 | Approval of City of Key West Land Development Regulation (Ordinance 95-27) |
| 9J-22.033 | Approval of Portions of the City of Key West’s Land Development Regulation (Ordinance No. 95-31) |
| 9J-22.034 | Approval of the City of Key West’s Land Development Regulations (Ordinance No. 96-6) |

PURPOSE AND EFFECT: These rules are being repealed
SUMMARY: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-22, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.05(6), (10), (11) FS.

LAW IMPLEMENTED: 380.05(6), (10), (11) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Richard Shine, Assistant General Counsel, Department of Community Affairs, (850)922-1683, e-mail address: richard.shine@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-22.029 Approval of City of Key West Land Development Regulation (Ordinance 95-8).

Rulemaking Specific Authority 380.05(6), (10), (11) FS. Law Implemented 380.05(11) FS. History–New 1-30-96, Repealed _____.

9J-22.030 Approval of City of Key West Land Development Regulation (Ordinance 95-25).

Rulemaking Specific Authority 380.05(6), (10), (11) FS. Law Implemented 380.05(11) FS. History–New 1-11-96, Repealed _____.

9J-22.031 Approval of City of Key West Land Development Regulation (Ordinance 95-27).

Rulemaking Specific Authority 380.05(6), (10), (11) FS. Law Implemented 380.05(11) FS. History–New 1-11-96, Repealed _____.

9J-22.033 Approval of Portions of the City of Key West’s Land Development Regulation (Ordinance No. 95-31).

Rulemaking Specific Authority 380.05(6), (10), (11) FS. Law Implemented 380.05(11) FS. History–New 3-20-96, Repealed _____.

9J-22.034 Approval of the City of Key West’s Land Development Regulations (Ordinance No. 96-6).

Rulemaking Specific Authority 380.05(6), (10), (11) FS. Law Implemented 380.05(11) FS. History–New 10-7-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Shine, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-32.003
RULE TITLE: Rejection of the City of Layton Comprehensive Plan

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: The proposed rule amendment will repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Rule 9J-32.003, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 380.032(2)(a) FS.

LAW IMPLEMENTED: 380.0552(9) 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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: David L. Jordan, Deputy General Counsel, Department of Community Affairs, (850)922-1720, e-mail address: david.jordan@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9J-32.003 Rejection of the City of Layton Comprehensive Plan.

Rulemaking Specific Authority 380.032(2)(a) FS. Law Implemented 380.0552(9) FS. History--New 6-17-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David L. Jordan, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 9J-33.001 | Purpose and Effect |
| 9J-33.002 | Definitions |
| 9J-33.005 | Local Government Transmittal and Submission Schedule |

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

OTHER RULES INCORPORATING THIS RULE: Rule Chapter 9J-33 is incorporated into Rule 9J-11.018, F.A.C., which is also being repealed.

EFFECT ON THOSE OTHER RULES: No effect.

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. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 163.3164(12), 163.3191 FS.

LAW IMPLEMENTED: 163.3191 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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 RULES IS: Marlene Stern, Assistant General Counsel, Department of Community Affairs, (850)922-1688, e-mail address: marlene.stern@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-33.001 Purpose and Effect.

Rulemaking Specific Authority 163.3191(8) FS. Law Implemented 163.3191 FS. History--New 3-23-94, Repealed.

9J-33.002 Definitions.

Rulemaking Specific Authority 163.3164(12), 163.3191(8) FS. Law Implemented 163.3191 FS. History–New 3-23-94, Repealed _____.

9J-33.005 Local Government Transmittal and Submission Schedule.

Rulemaking Specific Authority 163.3191(9) FS. Law Implemented 163.3191 FS. History–New 3-23-94, Amended 9-28-98, 3-23-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marlene Stern, Assistant General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-42.003
RULE TITLE: Schedule

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: This rule was identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9J-42, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A

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. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 163.3191(1), 163.3191(9), 163.3191(12) FS.

LAW IMPLEMENTED: 163.3191 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: September 14, 2011, 10:00 a.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 days before the workshop/meeting by contacting: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)922-1682. 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: Marlene Stern, Assistant General Counsel, Department of Community Affairs, (850)922-1688, e-mail address: marlene.stern@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9J-42.003 Schedule.

Rulemaking Authority 163.3191(1), 163.3191(9), 163.3191(12) FS. Law Implemented 163.3191 FS. History–New 2-3-10, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marlene Stern, Assistant General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William A. Buzzett, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2011

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-1.021
RULE TITLE: Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule regulates indexing of the Department’s final orders. This rule is duplicative of Sections 120.53 and 120.533, F.S., and Rule 1B-30.007, F.A.C., and is no longer necessary.

Other Rules Incorporating This Rule: N/A

Effect On Those Other Rules: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based upon an economic impact analysis, the agency has determined that this rule will not have an adverse impact on small business and will not increase regulatory costs by \$200,000 in the aggregate within one year. A SERC has not been prepared by the agency. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

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: 120.53(1), 334.044(2) FS.

LAW IMPLEMENTED: 120.53(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, (850)414-5382, deanna.hurt@dot.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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-1.021 Final Orders.

~~(1) To ensure public access, the Department of Transportation (Department) will maintain a uniform index of final orders pursuant to Sections 120.53 and 120.533, F.S., and Rule 1B-30.007, F.A.C.~~

~~(2) Final orders required to be indexed pursuant to Section 120.53(1)(a)2.c., F.S., which are entered on or after July 1, 1998, will be maintained, stored, and indexed on an electronic database. Pursuant to Section 120.53(2)(a), F.S., the Department hereby designates the Municipal Code Corporation as the official reporter for creating the electronic database and indexing and preserving final orders therein. The Department will maintain the electronic database and make it available for public use. The following website is available to view Final Orders issued by the Department: <http://www.mccinnovations.com/weblink/Browse.aspx>.~~

~~(3) Numbering of Final Orders. All final orders shall be sequentially numbered using a two-part number separated by a dash. The first part before the dash indicates the year and the second part indicates the numerical sequence of the order issued for that year, beginning with number "1" each new calendar year with zeros left of the case number for computer sorting purposes. For example, "00-001" is the first case for calendar year 2000. The assigned agency prefix, "FDOT," shall precede the two-part number.~~

~~(4) System for Indexing Final Orders.~~

~~(a) The Department shall maintain an alphabetical subject matter index for final orders. The subject matter index will go from general to specific. The initial headings shall be by subject broad enough to incorporate the subject titles from the Florida Statutes under which the order is rendered. The indentations below the subject headings or titles shall be more specific with the final indentation being the most specific. Related key words (specific words, terms, or phrases) and common and colloquial words shall be listed sequentially in an indentation immediately below the applicable text indentation.~~

~~(b) The Department shall designate the major subject headings to be used in the index. The index shall be cumulative for at least one year, updated at least every 120 days, and made accessible to the public.~~

~~(5) Maintenance of Records. Final orders shall be maintained by the Department pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.~~

Rulemaking Authority 120.53(1), 334.044(2) FS. Law Implemented 120.53(2) FS. History—New 4-6-93, Amended 2-20-96, 11-16-00, 5-8-03, Formerly 14-6.0011, Amended 10-25-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce R. Conroy, Chief, Administrative Law Division
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DEPARTMENT OF TRANSPORTATION

| | |
|-------------------|-------------------------|
| RULE NOS.: | RULE TITLES: |
| 14-10.047 | Jurisdiction |
| 14-10.049 | Screening Criteria |
| 14-10.050 | Nonconforming Junkyards |
| 14-10.051 | Violations |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules regulate junkyards. Only a few junkyards are located within the state and they will be given guidance by the Department. These rules are now unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based upon an economic impact analysis, the agency has determined that this rule will not have an adverse impact on small business and will not increase regulatory costs by \$200,000 in the aggregate within one year. A SERC has not been prepared by the agency. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

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: 334.044(2) FS.

LAW IMPLEMENTED: 339.05, 339.241 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, (850)414-5382, deanna.hurt@dot.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 RULES IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

14-10.047 Jurisdiction.

~~(1) The department under the authority of Section 339.241, F.S., and title 23, sect. 136, u.s. code, shall effectively control or cause to be controlled junkyards within 1,000 feet of the nearest edge of the right of way and visible from the main traveled way of the highways on the interstate and federal aid primary systems except the following:~~

~~(a) Junkyards or scrap metal processing plants which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the highway or otherwise removed from sight.~~

~~(b) Junkyards or scrap metal processing plants which are located in areas which are zoned for industrial use.~~

~~(c) Junkyards or scrap metal processing plants which are not visible from the main traveled way of any interstate or federal aid primary highway.~~

~~(2) All junkyards and scrap metal processing plants in controlled areas, except those located in zoned or unzoned industrial areas, must be screened by the junkyard operator at the operator's own expense unless the location is included in an abatement project under provisions of subsection 14-10.051(1), F.A.C., or the location is not visible from the main traveled way.~~

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241 FS. History—New 12-10-77, Formerly 14-10.47, Amended 6-28-98, Repealed.

14-10.049 Screening Criteria.

~~(1) Any junkyard lawfully in existence under Section 339.241, F.S., on december 8, 1971, located outside of zoned or unzoned industrial areas, which is within one thousand (1,000) feet of the nearest edge of the right of way of all interstate and federal aid primary highways shall be screened so as not to be visible from the main traveled way or removed from sight. no screening will be allowed on state right of way unless placed there by the Florida Department of Transportation.~~

~~(a) The owner of a junkyard which is required to be screened shall submit a plan drawn to scale indicating how screening is to be accomplished. such plan shall show the construction details of the screening to be used and the location of the buildings and driveways. the plan will also describe the placement of the junk, i.e., rows of junk cars, stacked junk cars, piles of scrap iron, etc., and the topography of the junkyard including pictures of the site.~~

~~(b) Acceptable screening material: subject to the approval of the florida department of transportation, acceptable fencing shall include fences of steel or other metals, durable woods such as heart cypress, redwood, or other wood treated with a preservative, or walls of masonry. Some of the types acceptable are:~~

~~1. Fencing Material:~~

~~a. Chain link type with aluminum, steel, plastic, or wooden slat inserts.~~

~~b. Wooden types of basket weave, palisade, louver, or other suitable design.~~

~~c. Walls of masonry including plain or ornamental concrete block, block, brick stone, or other suitable masonry material.~~

~~d. Earth mounds used individually or in combination with plantings and fencing.~~

~~Note: The above types of fencing and walls are given for examples only. Any other design of fencing constructed of other materials may be submitted for consideration.~~

~~2. Plant Material:~~

~~a. Plant materials indicated on the plans shall specify the botanical name of the plant materials used, the size at the time of planting, and the spacing between plants. All plant material shall be predominately evergreen and approved by the Florida Department of Transportation.~~

~~b. The minimum size of plant material at the time of planting shall be as follows:~~

~~Shade Trees: 1" — 1 1/2" Caliper (Deciduous)~~

~~Multi-Stem Trees: 4' — 5' In Height (Hawthorne, Crepe Myrtle, Etc.)~~

~~Evergreen Trees: 4' — 5' In Height (Pinus, Magnolia, Etc.)~~

~~Evergreen Shrubs: 2 1/2' — 3' In Height (Including Plantings That Will Not Get "Leggy" As Elaeagnus, Abelia, Etc.)~~

c. Planting plans shall show plant pit size, back fill material used, and planting and staking details. Care should be exercised in selecting plant material to assure that the selected plantings will not get "leggy" as they mature (such as some pine trees) so that the junk the plantings are attempting to screen becomes exposed. Seedlings should also be considered as a supplement to the bigger plants where appropriate. The junkyard operator will be responsible for assuring that shrubs, bushes, etc., planted to screen junkyards are adequately watered, fertilized, and maintained to effectively screen the junk. The junkyard operator will be responsible for replacing any dead, sick or damaged plants at the time that such condition is first observed. During the next regular junkyard inspection or at the time the operator requests payment for screening of the junkyard, the department will determine if the screening is adequate to screen the junk from view of persons traveling on the controlled road. The department will advise the owner of deficiencies needing corrective action such as dead or damaged plantings that need replacement, screening of insufficient height or density to be effective or other conditions that allow the junk to be seen from the controlled highway. The Junkyard operator will not be reimbursed for the eligible costs incurred in screening the junkyard until these deficiencies have been corrected.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241(3), (4), (6), (7) FS. History—New 12-10-77, Amended 6-26-78, Formerly 14-10.49, Amended 6-28-98, Repealed _____.

14-10.050 Nonconforming Junkyards.

A junkyard, to be classified as a nonconforming junkyard, is required to be located within 1,000 feet of any highway on the interstate or federal aid primary system, except those located in zoned or unzoned industrial areas. For the junkyard operator to be eligible for the reimbursement of the costs incurred in screening, recycling or removing the junk, the junkyard must have been in place on december 8, 1971 or on the date that the route section was added to the interstate or federal aid primary systems, whichever is later. Nonconforming junkyards cannot be extended, enlarged, or changed in use and must be operated as an on-going business. For a junkyard to retain its nonconforming status, it must be adequately screened, and the operator must have property rights in the junk. Abandoned and worthless junk do not qualify a junkyard for nonconforming status.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241(3) FS. History—New 12-10-77, Formerly 14-10.50, Amended 6-28-98, Repealed _____.

14-10.051 Violations.

(1) The department shall inspect junkyards for compliance with these requirements at least once each year. Nonconforming junkyards which are not effectively screened in accordance with the above criteria are considered to be in violation of these requirements. A violation notice will be given to junkyard operators when screening is not adequate to

screen all of the junk, and the notice will give the operator either 30 calendar days to clear the violation, 30 calendar days to submit an adequate plan to clear the violation with the work to be completed within 120 calendar days after the operator is notified that the abatement plan has been approved or 30 calendar days in which to request an administrative hearing under Sections 120.569 and 120.57, F.S. the plan can propose any combination of screening, relocation, removal, and recycling which will correct the violation. The department will participate in those eligible costs incurred in the initial effort to bring each nonconforming junkyard established prior to december 8, 1971, into compliance if the abatement plan is approved in advance by fhwa. federal funds can participate in any combination of screening, removal, relocation, and recycling of the junk that is necessary to clear the violation as set forth in the approved abatement plan. Abatement plans will be submitted to fhwa for groups of junkyards so that the work can be programmed and authorized as a junkyard abatement project upon approval of the related work. Any proposed screening must comply with the screening criteria listed above. The placement of junk so that it may be seen above or beyond a screen or so that it otherwise becomes visible is a violation of these requirements, even though the existing screening is effective for the junk placed behind the existing fence or screening.

(2) If the junkyard operator does not correct the violation, submit a realistic plan to remove the junk from view, or request an administrative hearing under Section 120.57, F.S., within the 30 day period allowed, the department will initiate the appropriate legal action to obtain compliance with these requirements, including but not limited to the swearing out of warrants under the provisions of Section 339.241(6), F.S., so that the courts can order compliance and assess penalties for noncompliance or abate the violation.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241 FS. History—New 12-10-72, Amended 6-26-78, Formerly 14-10.51, Amended 6-28-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Garner, Director, Office of Right of Way
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-75.004
RULE TITLE: Consultant Competitive Selection Process

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule addresses the procurement of professional services; however, there is no specific rulemaking authority to adopt this rule.

Other Rules Incorporating This Rule: N/A

Effect On Those Other Rules: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based upon an economic impact analysis, the agency has determined that this rule will not have an adverse impact on small business and will not increase regulatory costs by \$200,000 in the aggregate within one year. A SERC has not been prepared by the agency. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

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: 334.044(2), 837.06 FS.

LAW IMPLEMENTED: 287.055, 337.105 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, (850)414-5382, deanna.hurt@dot.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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-75.004 Consultant Competitive Selection Process.

~~Selection of professional consultants by the Department shall be in accordance with the provisions enumerated below.~~

~~(1) Notice:~~

~~(a) Except when there is a public emergency certified by the Secretary of Transportation, the Department shall provide notice whenever it requires professional services for a project, the basic construction cost of which is estimated by the Department to be more than the threshold amount in Section 287.017, F.S., for category five, or when the fee for professional services for a fixed capital outlay study or planning activity exceeds the threshold amount provided in~~

~~Section 287.017, F.S., for category two. The Department will provide the foregoing notice at its Internet address (<http://www.dot.state.fl.us/procurement/>). A project may include the following:~~

~~1. Professional services associated with a specifically identified project.~~

~~2. A grouping of professional service assignments for substantially similar activities where the grouping of assignments provides advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or use of shared resources for multiple projects, or to allow multiple use of a single design concept.~~

~~3. Miscellaneous minor professional services, performed on a task assignment basis. The total contract fee may not exceed \$1,500,000 and individual assignments may not exceed \$300,000. However, these limits may be exceeded due to unplanned cost increases.~~

~~4. Professional services of a general consultant, which include the administration, support, and management of engineering, architectural, surveying, planning, or right of way acquisition and appraisal activities.~~

~~(b) The notice shall contain time frames for submittal of a letter of response, a general description of the project, including where a detailed description may be obtained, the Department district and county where the project is located, a list of the major types of work, an indication as to whether the project is considered a minor project for qualification purposes, and a description of the means by which interested consultants can apply for consideration. Projects that do not conform to the prequalified types of work shall be advertised requesting any interested consultant to submit a Letter of Qualification. Consultants responding to advertisements for such non-standard types of work do not need to possess previous qualification.~~

~~(2) Response to Advertisement and Selection:~~

~~(a) Professional consultants who desire work with the Department shall timely submit a maximum of a two page letter of response, or a letter of qualification, to the Department whenever they feel qualified to perform projects for which notice has been provided in accordance with paragraph (1)(a). To be considered for selection, the letter of response or letter of qualification must be received in the format and by the date specified in the advertisement and will include a list of all affiliates as defined in Section 337.165(1)(a), F.S. Only one letter of response/qualification will be considered from any consultant firm.~~

~~(b) After receipt of a letter of response, or letter of qualification, the Department shall review the submittal and verify that the consultant possesses current qualification with the Department to perform the major type(s) of work specified in the advertisement. In order to be considered for selection, any consultant which does not possess current qualification to~~

~~perform the major type(s) of work specified in the advertisement shall submit a completed Request for Qualification Package, including the required overhead audit (if applicable), on or before the date letters of response are due. A qualified consultant may use a qualified sub-consultant to meet the requirements of the major type(s) of work for which it is not currently qualified when responding to advertisements. The Department will not be obligated to delay any part of the consultant selection process or the execution of a contract for a consultant who has not been qualified for the major types of work or who cannot provide the required documentation prior to the process of selection.~~

~~(c) If fewer than three consultants respond to the advertisement, the Department shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on the criteria in Section 287.055(4)(b), F.S. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project.~~

~~(d) When the fee for professional services is less than the threshold amount provided in Section 287.017, F.S., for category two, or when the Department's estimated basic construction cost is less than the threshold amount provided by Section 287.017, F.S., for category five, the Department may request, review, and approve the technical qualifications of the selected consultant if the consultant is not currently qualified in the requested type of work.~~

~~(e) Selection of consultants will be in accordance with Section 287.055, F.S.~~

Rulemaking Specific Authority 334.044(2), 837.06 FS. Law Implemented 287.055, 337.105 FS. History--New 6-30-73, Amended 3-24-77, 6-30-83, 10-21-85, Formerly 14-75.04, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 2-12-98, 8-2-01, 4-29-03, 5-15-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carla Perry, State Professional Services Engineer
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-103.001 Scope

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is an overview of the rule chapter regarding construction aggregates. The rule is no longer necessary.

Other Rules Incorporating This Rule: N/A

Effect On Those Other Rules: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based upon an economic impact analysis, the agency has determined that this rule will not have an adverse impact on small business and will not increase regulatory costs by \$200,000 in the aggregate within one year. A SERC has not been prepared by the agency. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

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: 334.044(2), (10)(c) FS.

LAW IMPLEMENTED: 334.044(10), 337.105(1), 337.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, (850)414-5382, deanna.hurt@dot.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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-103.001 Scope.

~~This rule chapter provides the requirements and procedures for obtaining and maintaining Department approval of developed and operational construction aggregate sources (mines and redistribution terminals) and their individual construction aggregate products which are intended for use on Department projects. Department approval is based upon the existence of suitable raw materials; processing facilities capable of producing specified aggregate meeting Department specification requirements; and an effective Quality Control Program assuring the continuing quality and uniformity of that production.~~

Rulemaking Specific Authority 334.044(2), (10)(c) FS. Law Implemented 334.044(10), (13), 337.105(1), 337.11 FS. History–New 10-20-92, Amended 7-20-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Shoucair, Geotechnical Materials Engineer
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 15C-18.004 | EFS Agent Participation Requirements |
| 15C-18.006 | Electronic Filing System Requirements; Disclosure to Customer |

PURPOSE AND EFFECT: The proposed rule amendment corrects form number and revises form HSMV 82083 to provide for tax collector signature in lieu of supplying copies of agreements between counties.

SUMMARY: The proposed amendments to Rules 15C-18.004 and 15C-18.006, F.A.C. (EFS Agent Participation Requirements and Electronic Filing System Requirements; Disclosure to Customer), revise Form HSMV 82083, Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider.

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. A SERC has been prepared by the agency for Rules 15C-18.004 and 15C-18.006, F.A.C. and is available by contacting Selma Sauls at the address, telephone number, or e-mail address listed below. The following is a summary of the SERC: No adverse impact on economic growth, private-sector job creating or employment, or private sector investment. No adverse impact on business competitiveness or innovation. No increase in regulatory costs. No increased spending for the Agency anticipated. No costs to other states, local governmental entities, small counties or small cities. No impact on state or local revenues.

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: 320.03(10) FS.
LAW IMPLEMENTED: 320.03(10) 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:

DATE AND TIME: September 28, 2011, 10:00 a.m.
PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A427, 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: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov (850)617-3001. 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 RULES IS: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov, (850)617-3001

THE FULL TEXT OF THE PROPOSED RULES IS:

- 15C-18.004 EFS Agent Participation Requirements.
 - (1) through (1)(c) No change.
 - (d) Apply to the Department on Form HSMV 82083 (Rev. 08/11), Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider, which is incorporated herein by reference and available via the Department website www.flhsmv.gov/html/forms.html <http://www.flrules.org/Gateway/reference.asp?No=Ref-00402>.
 - (e) through (3) No change.

Rulemaking Authority 320.03(10)(~~a~~), FS. Law Implemented 320.03(10)(~~a~~), (~~b~~) FS. History–New 12-14-10, Amended.

- 15C-18.006 Electronic Filing System Requirements; Disclosure to Customer.
 - (1) through (3) No change.
 - (4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083, which is incorporated ~~herein~~ by reference in paragraph 15C-18.004(1)(d), F.A.C. <http://www.flrules.org/Gateway/reference.asp?No=Ref-00402>.
 - (5) No change.

Rulemaking Authority 320.03(10)(~~a~~) FS. Law Implemented 320.03(10)(~~a~~), (~~b~~) FS. History–New 12-14-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Baker, Bureau Chief, Bureau of Issuance Oversight, Division of Motorist Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.001
 RULE TITLE: Purpose

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to repeal the rule listed above as no longer necessary.

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.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.001 Purpose.

Rulemaking Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-31-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001
 RULE TITLE: Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The State Board of Administration of Florida seeks to repeal the rule listed above as no longer necessary.

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.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.

Rulemaking Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c), (d), (e), (g) FS. History--New 2-22-07, Amended 6-3-07, 8-13-07, 11-25-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2011

COMMISSION ON ETHICS

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 34-8.002 | General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests |
| 34-8.007 | Choosing to File Copy of Income Tax Return |
| 34-8.008 | Final Filing Using the CE Form 6F |
| 34-8.009 | Amended Filing Using the CE Form 6X |
| 34-8.202 | General Rules for Filing the CE Form 1 – Statement of Financial Interests |
| 34-8.208 | Final Filing Using the CE Form 1F |
| 34-8.209 | Amended Filing Using the CE Form 1X |

PURPOSE AND EFFECT: The purpose of the proposed amendments is to make revisions to financial disclosure forms that are adopted by reference in the various rules of Chapter 34-8, Florida Administrative Code. The filing year for the annual forms will be changed to “2011” (filers will complete and file these forms in 2012 for the calendar year ending December 31, 2011), the filing period for the 1F and 6F forms will be changed to 2012, and filing instructions are being revised for greater clarity. Additionally, where there were statutory changes to those who are required to file, those changes are reflected in the forms. Also, Rule 34-8.007, F.A.C., is being amended to address the situation where a filer elects to file his or her Federal income tax return with the CE Form 6 or 6X. If the filer used IRS e-file to transmit his or her Federal income tax return to the IRS, he or she may not have been required to transmit copies of Forms W-2, Forms 1099-R, and other forms showing sources of income. However, they are required to provide copies of these documents to the Commission if they elect to attach a copy of their Federal income tax return to their CE Form 6 or 6X since, unlike the IRS, the Commission does not receive the filer’s income records from other sources.

SUMMARY: CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 6X (Amendment to Full and Public Disclosure of Financial Interests), CE Form 1 (Statement of Financial Interests), CE Form 1F (Final

Statement of Financial Interests), and CE Form 1X (Amendment to Form 1 Statement of Financial Interests), are affected by this rulemaking.

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. A SERC has not been prepared by the agency. These rule amendments are not expected to require legislative ratification.

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: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(7), 112.3145, 112.3145(9), 112.3147, 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(6), 112.3144(7), 112.3145, 112.3145(2)(b), 112.3145(9) FS.

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

DATE AND TIME: September 9, 2011, 9:00 a.m.

PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, 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 2 days before the workshop/meeting by contacting: Millie Fulford, Legal Secretary, Florida Commission on Ethics, Telephone: (850)488-7864. 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 RULES IS: Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics, Telephone: (850)488-7864

THE FULL TEXT OF THE PROPOSED RULES IS:

34-8.002 General ~~Rules Rule~~ for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and

liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person’s most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12.

34-8.007 Choosing to File Copy of Income Tax Return.

(1) A reporting official who chooses to file a copy of his or her most recent income tax return with the CE Form 6 or CE Form 6X shall include copies of all schedules and forms that were included with or attached to the official’s return when it was filed with the I.R.S. If the reporting official transmitted his or her Federal income tax return using IRS e-file and was not required to submit copies of Forms W-2, 1099-R, and other forms showing sources of income, these documents must still be submitted to the Commission if the filer elects to file a copy of his or her Federal income tax return with their CE Form 6 or 6X.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

~~Rulemaking Specific~~ Authority Art. II, Section 8, Fla. Const., 112.3144, 112.322(9), FS. Law Implemented Art. II, Section 8, Fla. Const. History–New 5-17-77, Formerly 34-8.07, Amended 8-7-94, 7-2-00, 11-7-01, 1-1-12.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5), 112.3144(6) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.009 Amended Filing Using the CE Form 6X.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3144(6), 112.3144(7), 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.202 General Rules for Filing the CE Form 1 – a Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency’s headquarters. The CE Form 1 (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History–New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.208 Final Filing Using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145(2)(b) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Philip C. Claypool, Executive Director and General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2011

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 58A-1.002 | Department Duties Under the Older Americans Act |
| 58A-1.003 | Department Assistance to the Advisory Council |
| 58A-1.004 | Responsibilities of the Department of Elder Affairs as the State Unit on Aging |
| 58A-1.005 | Designation of Area Agencies on Aging |
| 58A-1.0051 | Procedures for Rescinding Designation of an Area Agency on Aging |
| 58A-1.006 | The Area Agency on Aging’s Area Plan |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed as the specific requirements of these rules substantially restate portions of Chapter 430, Florida Statutes, the Older Americans Act, 42 U.S.C. § 3001 et seq., and various contractual provisions between the Department and Area Agencies on Aging, and are therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 430.08 FS.

LAW IMPLEMENTED: 20.41, 430.03, 430.04, 430.05, 430.101 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-1.002 Department Duties Under the Older Americans Act.

(1) ~~The Department of Elder Affairs is designated in Sections 20.41(5), 430.03(7) and 430.04(1), F.S., as the state agency to administer all programs made available to Florida under the Federal Older Americans Act. The department shall administer these programs in accordance with Title 45, Chapter 13, Code of Federal Regulations and policy guidance issuances from the Administration on Aging within the U.S. Department of Health and Human Services.~~

(2) ~~Federal regulations governing grants for state and community programs on aging as published in the Federal Register, are applicable to all recipients of grants and contracts funded by the Older Americans Act, including the department, area agencies on aging and service providers. These Florida administrative rules are intended to complement and clarify requirements, procedures and departmental policies applicable to the Older Americans Act program.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04, 430.101 FS. History-New 12-23-81, Formerly 10A-11.02, 10A-11.002, Amended 3-28-95, 9-24-08, Repealed _____.

58A-1.003 Department Assistance to the Advisory Council.

(1) ~~The department must provide staff support to assist the Department of Elder Affairs Advisory Council established by Section 430.05, F.S. Members of that council, entitled by law to reimbursement for travel and per diem expenses, shall submit their expense vouchers and related documentation according to Section 112.061, F.S.~~

(2) ~~Staff support for the council and members of the department are prohibited from imposing any control direction, or supervision upon the council.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 430.05 FS. History-New 12-23-81, Formerly 10A-11.03, 10A-11.003, Amended 3-28-95, 9-24-08, Repealed _____.

58A-1.004 Responsibilities of the Department of Elder Affairs as the State Unit on Aging.

(1) ~~The Department of Elder Affairs is the State Unit on Aging. The department has authority and responsibility to plan, develop, and administer policy on programs for older persons and to provide a visible focal point for advocacy, coordination, priority setting, monitoring and evaluation of programs for older persons within the state. To fulfill its responsibilities, the department shall:~~

(a) ~~Develop a state plan as required in Section 305 of the Older Americans Act;~~

(b) ~~Administer the state plan within the state;~~

(c) ~~Review and comment on all state plans, budgets, and policies which affect older persons;~~

(d) ~~Conduct public hearings on the needs of older persons in order to receive information and maximize visibility of important issues;~~

(e) ~~Provide adequate and effective opportunities for older persons, who are recipients of supportive or nutrition services or who use multipurpose senior centers, to express their views on policy development and program implementation under the state plan on aging;~~

(f) ~~Evaluate, with the assistance of the AAAs, the need for social and nutrition services for older persons and determine the extent to which other public and private programs meet those needs;~~

(g) ~~Ensure, in conjunction with the AAAs, preference is given to older persons with greatest economic or social need, with particular emphasis on low income minorities in the delivery of service;~~

(h) ~~Render, in conjunction with the AAAs, technical assistance to contractors and volunteers;~~

(i) ~~Advise the Governor, and key designated legislators, regarding the need for and location of programs related to aging, as stipulated in Section 430.04, F.S.;~~

(j) ~~Develop, in consultation with the AAAs, and publish for review and comment, a formula for funds distribution which addresses those most in need of services and submit such formula to the Administration on Aging for approval;~~

(k) ~~Require outreach efforts;~~

(l) ~~Set specific objectives for each planning and service area for providing services funded under this title to low income older individuals, including low income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas;~~

(m) ~~Undertake specific program development, advocacy, and outreach efforts focused on the needs of low income older individuals, including low income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and~~

(n) ~~Provide a description of the efforts described above in paragraphs (d), (e), and (f) of this subsection that will be undertaken by the state agency.~~

(2) ~~The department is responsible for dividing the state into planning and service areas (PSAs).~~

(3) ~~The department is responsible for the designation of the area agency on aging for each PSA in accordance with Title III, Section 305 of the Older Americans Act.~~

(4) ~~The department must develop, promulgate and revise, as necessary, a uniform format for the area agency on aging's area plan as prescribed in its contract with the AAA.~~

(5) ~~The department must coordinate the development of programs and services under Titles III, V, and VII of the Older Americans Act, and establish policy, standards and procedures for those programs and services that are included in contracts between the department and the AAAs.~~

~~(6) The department must ensure that supplemental funding under the Nutrition Services Incentive Program of the Older Americans Act and available U.S. Department of Agriculture food, cash or a combination of food and cash is made available to nutrition service providers funded under the area plan.~~

~~(7) The department must coordinate the development of legal services for older individuals.~~

~~(8) For the purpose of acquiring programmatic and fiscal information for federal and state data and analysis, the department must establish reporting requirements for area agencies on aging and service providers under their respective contracts with the contractor.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04, 430.101 FS. History-New 12-23-81, Formerly 10A-11.04, 10A-11.004, Amended 3-28-95, 9-24-08, Repealed _____.

58A-1.005 Designation of Area Agencies on Aging.

~~(1) An area agency on aging must be designated in each planning and service area. Of the eligible applying entities, as defined by Section 305 of the Older Americans Act, the department shall select the one which demonstrates by virtue of location, office, staff, experience and community resources, it is best able to discharge the duties of an area agency on aging established by this rule.~~

~~(2) Actual designation occurs upon acceptance of the area agency's area plan and formal execution of the associated contract.~~

~~(3) The designated area agency on aging is responsible for administration of Older Americans Act programs in its planning and service area.~~

~~(4) In addition to the circumstances outlined in Section 430.04(2), F.S., the department shall rescind an area agency's designation in accordance with Section 305(b)(5)(e) of the Older Americans Act as amended, whenever, after reasonable notice and opportunity for a hearing, it is determined that:~~

~~(a) An area agency does not meet the requirements of 45 CFR 1321 and Section 305 of the Older Americans Act, as amended; or~~

~~(b) An area plan including amendments is not approved by the department after reasonable opportunity to comply; or~~

~~(c) There is substantial failure in the provisions or administration of an approved plan to comply with provisions of Section 306 of the Older Americans Act of 1965, as amended in 2006, the applicable federal regulations, state statutes, or administrative rules or the contract between the department and the AAA.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04 FS. History-New 12-23-81, Formerly 10A-11.05, 10A-11.005, Amended 3-28-95, 9-24-08, Repealed _____.

58A-1.0051 Procedures for Rescinding Designation of an Area Agency on Aging.

~~Pursuant to Section 430.04, F.S., the department has the authority to rescind designation of an area agency on aging under specified conditions as cited in subsection 58A-1.005(4), F.A.C. The department must include these procedures in its contract with the AAA.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 430.04 FS. History-New 9-24-08, Repealed _____.

58A-1.006 The Area Agency on Aging's Area Plan.

~~(1) An eligible agency or organization desiring to apply for redesignation or initial designation as an area agency on aging must submit an area plan to the Secretary of the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.~~

~~(2) Preparation and submission of a formal area plan must be in accordance with the prescribed area plan format as determined by the requirements of the Older Americans Act, as amended, for entities desiring initial designation or redesignation, and the contract between the department and the AAA for entities desiring redesignation.~~

~~(3) Subject to the availability of federal and state funds and budget authority, the department will contract with the area agency on aging based on the approved area plan.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04 FS. History-New 12-23-81, Formerly 10A-11.06, 10A-11.006, Amended 3-28-95, 10-30-05, 9-24-08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 58A-6.004 | Unlicensed Centers |
| 58A-6.0051 | Change of Owner or Operator; Marketing |
| 58A-6.014 | Administrative Enforcement |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed as the specific requirements of these rules substantially restate portions of Sections 408.801-832, Florida Statutes, and Rule Chapter 59A-35, Florida Administrative Code, and are therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 429.929 FS.

LAW IMPLEMENTED: 408.831(2), 429.907, 429.909, 429.925, 429.929 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-6.004 Unlicensed Centers.

~~(1) An adult day care center's owner or operator who fails to make application for licensure shall be advised by the AHCA by certified mail that the center is subject to licensure requirements. The letter shall state the basis upon which the AHCA has determined the center to be eligible for licensure and shall include notice that the center is to submit the \$5.00 fee for an application for license packet to AHCA, 2727 Mahan Drive, Tallahassee, FL 32308 within 10 days of receipt of the notice.~~

~~(2) The letter shall cite Sections 429.90-933, F.S., that the offering of adult day care center basic services without a valid license is a misdemeanor of the second degree punishable as provided in Section 775.083, F.S. The center shall be granted ten calendar days from the receipt of the certified letter to apply for license in accordance with this chapter. Failure to comply within the allocated ten days shall cause the agency to initiate injunction proceedings in a court of appropriate jurisdiction to terminate the operation of the center.~~

Rulemaking Specific Authority 429.929 FS. Law Implemented 429.907, 429.909, 429.923, 429.929 FS. History–New 7-8-81, Amended 2-27-84, Formerly 10A-6.04, 10A-6.004, 59A-16.004, Amended 11-9-95, 3-29-98, Repealed _____.

58A-6.0051 Change of Owner or Operator; Marketing.

~~(1) The center must notify the Assisted Living Unit, AHCA at 2727 Mahan Drive, Tallahassee, FL 32308-5402, at least 60 days before the date of a change of ownership. The new owner must request and submit a check for \$5.00 for the Licensure Application for Adult Day Care Center, ADCC Form 1, dated December 2003, incorporated by reference in Rule 58A-6.003, F.A.C., dated 2-19-04 and obtainable from Assisted Living Unit, AHCA, 2727 Mahan Drive, Tallahassee, FL 32399-5402, (850)487-2515, which includes the ADC rules and regulations.~~

~~(2) The agency shall issue the change of ownership applicant a conditional license pending confirmation that the applicant meets all standards and requirements for licensure. A conditional license issued for this purpose is limited to 6 months' duration.~~

~~(3) The transferor shall, prior to agency approval of a change of ownership, repay or make arrangements to repay any outstanding fine amounts owed the agency pursuant to Section 408.831(2), F.S.~~

~~(4) If the center's owner changes operators, the owner or new operator must notify the AHCA within 30 days at the address in subsection (1), and include the completed criminal background check forms.~~

Rulemaking Specific Authority 429.929, 408.831 FS. Law Implemented 429.925, 408.831(2) FS. History–New 11-9-95, Amended 3-29-98, 2-19-04, Repealed _____.

58A-6.014 Administrative Enforcement.

~~(1) Deficiencies.~~

~~(a) The agency shall conduct on-site surveys of centers for the purpose of determining compliance with Chapter 429, Part III, F.S., and this rule chapter, and specifically the following surveys:~~

- ~~1. Initial licensure survey;~~
- ~~2. Biennial license renewal survey;~~
- ~~3. Follow-up survey;~~
- ~~4. Complaint investigation;~~
- ~~5. Special survey; and~~
- ~~6. Change of ownership survey.~~

(b) The agency shall issue licensure deficiency statements in accordance with the provisions of Section 429.913, F.S., for deficiencies that are observed by agency personnel at any inspection of the center.

1. Major deficiencies shall constitute conditions affecting the health, safety, and well being of participants. The licensure deficiency statement for a major deficiency shall state a time period for correction of the deficiency. The time period established by the agency shall be based on the severity of the threat to health, safety, and well being and on the nature of the actions necessary to correct the deficiency. The time period for correction of major deficiencies considered to be life threatening shall not exceed 48 hours.

2. Minor deficiencies, not affecting the health, safety, and well-being of participants, shall be noted and a reasonable and fair period of time, not to exceed 60 days, shall be granted for the correction and elimination of the deficiencies.

3. Unclassified deficiencies shall include the following:

a. Exceeding licensed capacity.

b. Providing services beyond the scope of the license.

c. Failure to correct a violation by the date set by the agency which therefore is a separate violation for each day such failure continues unless the center has an agency approved extension or has exercised the right to request a hearing under Chapter 120, F.S.

d. Continued operation of an unlicensed center exceeding 10 days after notification by the agency.

e. Failure to adequately maintain and provide access to required records.

(c) The center shall be responsible for informing the agency when deficiencies are corrected. The agency shall schedule and conduct reinspection visits with appropriate survey representation to assure compliance.

(d) The agency shall impose a fine for deficiencies in an amount not to exceed \$500.00 for each survey deficiency and not to exceed \$5,000.00 in the aggregate per survey.

(e) Administrative fines shall be imposed for deficiencies which are not corrected within the time frame set by the agency in its written notification and for multiple or repeated violations, as defined in Section 429.901(5), F.S.

(f) If a center appeals an agency action under this section, and the fine is upheld, the violator shall pay the fine plus interest of 12% per annum for each day that the fine remains unpaid after the day set by the agency.

(2) License denial, suspension, and revocation:

(a) A license shall not be granted to:

1. An applicant whose center has a major deficiency which remains uncorrected after the date set by the agency pursuant to paragraph 58A-6.014(1)(b), F.A.C.;

2. An applicant whose center has multiple and repeated violations which remain uncorrected after the date set by the agency pursuant to paragraph 58A-6.014(1)(b), F.A.C.;

3. Any person who has been convicted of a felony which would affect performance of duties and responsibilities in the operation of an adult day care center;

4. Any person who is under 18 years of age.

(b) Applicants denied a license shall be notified by certified mail and shall be given the specific authority for the denial.

(3) If a center has had no conditional licenses issued due to survey deficiencies within the 2 licensure periods immediately preceding the current renewal date, or if a center has had no confirmed complaints within the licensure period immediately preceding the inspection, the AHCA area office shall perform an abbreviated biennial inspection. However, the AHCA must conduct a full inspection if the center has a major deficiency identified during the abbreviated survey.

Rulemaking Specific Authority 429.929 FS. Law Implemented 429.929 FS. History—New 11-9-95, Amended 3-29-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE NOS.: RULE TITLES:

58C-1.003 Administration

58C-1.005 Service Provider Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed as the specific requirements of these rules substantially restate information that is included in the individual contracts the Department has executed with the area agencies on aging and the lead agencies in the administration of the Community Care for the Elderly program, and are therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE
RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section

120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 430.08 FS.

LAW IMPLEMENTED: 430.03, 430.04, 430.202, 430.203, 430.204, 430.205 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58C-1.003 Administration.

~~(1) The department shall plan, develop, and coordinate a statewide program to carry out its responsibilities under the Community Care for the Elderly program.~~

~~(2) The AAA, under contract with the department, shall designate lead agencies and administer the Community Care for the Elderly program in accordance with its contract with the department.~~

~~(3) Lead agencies shall provide, directly or through subcontracts, case management and core services; maintain client and program records; and provide reports as specified in their contracts with the AAAs.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 430.03, 430.04, 430.202, 430.203, 430.204, 430.205 FS. History–New 3-11-81, Formerly 10A-10.03, 10A-10.003, Amended 3-28-95, 9-24-08, Repealed _____.

58C-1.005 Service Provider Requirements.

~~All service providers must provide services in accordance with the requirements in their contracts with the contractor.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 430.03, 430.04, 430.204, 430.205 FS. History–New 3-11-81, Formerly 10A-10.05, 10A-10.005, Amended 3-28-95, 9-24-08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Alzheimer’s Disease Initiative

RULE NO.: 58D-1.001
 RULE TITLE: Purpose

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is being repealed as the specific requirements of this rule substantially restates Section 430.202, Florida Statutes, and is therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE

RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 430.08 FS.

LAW IMPLEMENTED: 430.04, 430.501, 430.502, 430.503, 430.504 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel,

4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000,
 Telephone number: (850)414-2113, Email address:
 rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58D-1.001 Purpose.

~~The purpose of these rules is to provide a framework by which the Department of Elder Affairs will administer Sections 430.501 through 430.504, F.S., the Alzheimer's Disease Initiative. The Alzheimer's Disease Initiative (ADI) was established by the Legislature in 1985 to provide services and training to address the special needs of individuals suffering from Alzheimer's disease and related memory disorders and their caregivers. It also provides for research relating to the cause, prevention, management, and treatment of the disease.~~

Rulemaking Specific Authority 430.08 FS. Law Implemented 430.04, 430.501, 430.502, 430.503, 430.504 FS. History-New 3-28-95, Amended 9-24-08, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE NOS.: RULE TITLES:

58H-1.001 Purpose

58H-1.004 Access to the Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed as the specific requirements of these rules substantially restate portions of Section 430.601, Florida Statutes, and information that is included in the individual contracts the Department has executed with the area agencies on aging and the lead agencies in the administration of the Home Care for the Elderly program, and are therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601, 430.603, 430.606 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58H-1.001 Purpose.

~~The purpose of these rules is to provide a framework for the Department of Elder Affairs (DOEA) to administer Sections 430.601-608, F.S. The Home Care for the Elderly (HCE) program provides financial subsidies and support services to encourage and assist individuals who live with and provide care for frail elderly individuals in family type arrangements in private homes on a not for profit basis.~~

Rulemaking Specific Authority 430.08, 430.603 FS. Law Implemented 430.601 FS. History-New 1-1-96, Amended 9-24-08, Repealed_____.

58H-1.004 Access to the Program.

~~(1) Requests for Home Care for the Elderly program services may be initiated by the applicant or the applicant's caregiver.~~

~~(2) The application process must be completed as specified in the case management agency's contract with the area agency on aging.~~

Rulemaking Specific Authority 430.08, 430.603 FS. Law Implemented 430.603, 430.606 FS. History-New 1-1-96, Amended 9-24-08, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan E. Rice, Asst. General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58L-1.005 Access.

~~(1) Long term care facilities must be aware of the following provisions regarding an ombudsman's access to the facility, residents and records:~~

~~(a) Section 400.0081, F.S.; and~~

~~(b) Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(b).~~

~~(2) Upon entering a long term care facility to conduct ombudsman activities, the ombudsman must identify himself or herself to the administrator or designee.~~

~~(3) In the event that a facility should deny an ombudsman access as outlined in subsection (1) of this rule, the ombudsman must report the incident to the DOM. The DOM must contact the Office of the Long Term Care Ombudsman.~~

Rulemaking Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History—New 7-31-95, Formerly 58L-3.001, Amended 3-18-10, Repealed _____.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NO.: 58L-1.005
RULE TITLE: Access

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is being repealed as the specific requirements of this rule substantially restates Section 400.0081, Florida Statutes, and 42 U.S.C. § 3058g(b), and is therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 400.0081 FS.

LAW IMPLEMENTED: 400.0081 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel,

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE NO.: 58M-2.005
RULE TITLE: Confidentiality

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is being repealed as the specific requirements of this rule substantially restate Section 119.0721, Florida Statutes, and is therefore, duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 744.1083(6) FS.

LAW IMPLEMENTED: 744.102(16), 744.1083, 744.1085, 744.3135 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58M-2.005 Confidentiality.

~~Any social security number obtained by SPGO in association with the registration of professional guardians and employees with fiduciary responsibilities are confidential and exempt from public disclosure in accordance with Section 119.0721, F.S.~~

Rulemaking Specific Authority 744.1083(6) FS. Law Implemented 744.102(16), 744.1083, 744.1085, 744.3135 FS. History–New 12-12-05, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF ELDER AFFAIRS

Training Requiring Provider and Curriculum Approvals

RULE NO.: 58T-1.201
RULE TITLE: Purpose of Assisted Living Facility (ALF) Core Training Provider and Curriculum Approval

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is being repealed as the information provided in this rule is not necessary and the remainder of the rules in the rule chapter are self-explanatory and self-executing; therefore, this rule is duplicative.

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. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 429.52 FS.

LAW IMPLEMENTED: 429.52 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: September 8, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 309, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan E. Rice, Asst. General Counsel, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000, Telephone number: (850)414-2113, Email address: rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58T-1.201 Purpose of Assisted Living Facility (ALF) Core Training Provider and Curriculum Approval.

~~The purpose of Rules 58T-1.203 through 58T-1.211, F.A.C., is to comply with the ALF core training provider and curriculum requirements as specified in Section 429.52, F.S.~~

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History--New 6-15-09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan E. Rice, Asst. General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.002 RULE TITLE: Required Training

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language for training and education.

SUMMARY: The proposed changes will modify the language for training and education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

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: 466.004, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.002 Required Training.

(1) Formal training which is required for the performance of certain remediable tasks consists of a dental hygienist's or dental assistant's successful completion of an expanded duty course or program which meets one of the following requirements:

(a) through (2) No change.

(3) The Board shall approve a course or program specified in paragraph 64B5-16.002(1)(b), F.A.C., in expanded duties only upon the application of the entity seeking to offer the course or program which establishes compliance with the following requirements. Failure to adhere to these requirements shall subject the course or program to revocation of Board approval.

(a) The course or program curriculum reflects appropriate didactic and clinical training in each remediable task which requires completion of Board-approved formal training and shall be designed to meet specifically stated educational objectives;

(b) Documentation of the training and experience of faculty members which establishes their qualifications to teach specified subject areas. Dentists and dental hygienists shall have a minimum of one year experience in expanded duty functions and expanded duty dental assistants shall have a minimum of 5 years of hands-on experience prior to approval. The student/teacher ratio shall not exceed one instructor to ten students. Applicants who have had a professional license revoked, suspended, or otherwise acted against, in Florida or in another jurisdiction, may be disqualified from participation as instructors;

(c) Submission of a detailed syllabus of the course or program which specifies the educational objectives for participants, the manner of achieving these specified objectives, including subject matter, hours of instruction and choice of instructional method (clinical or didactic) and the method of assessing a participant's performance; ~~and~~ Any course offered shall also include instruction regarding sterilization and disinfection procedures as stated in Rule Chapter 64B5-25, F.A.C., and instruction in the dental practice act and administrative code as it relates to dental auxiliaries.

(d) through (e) No change.

(f) Any clinical course in which patients are treated during instruction must be supervised by a dentist licensed pursuant to Chapter 466, F.S.

(g) Facilities and equipment for each course in which patients are treated during instruction shall be adequate for the subject matter and method of instruction.

(4) On-the-job training required for the performance of certain remediable tasks consists of training in those tasks by a licensed dentist who assumes full responsibility for assuring that the dental hygienist or dental assistant has completed hands-on training in order that he/she so trained is competent to perform the tasks. A dental hygienist or dental assistant must

complete a minimum of 6 months of on-the-job training, including hands-on training, before enrolling in an expanded duties course.

Rulemaking Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended 1-29-07, 4-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.010 RULE TITLE: Temporary Orders of Suspension of Bail Bond Agents

PURPOSE AND EFFECT: Section 648.45, F.S., allows a bail bond agent under a temporary order of suspension to discharge liability on bonds effected before the order is issued. The statute is not specific as to what activities a bail bond agent may perform under a suspended license.

The proposed rule identifies specific activities a bail bond agent whose license is suspended may perform with regard to discharging liability on previously effected bonds.

SUMMARY: The proposed rule provides guidelines that distinguish between the specific activities that a bail bond agent, whose license is under a temporary order of suspension, may perform while discharging liability on previously effected bonds, and those actions that shall constitute unlicensed activity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has been prepared and is available by contacting Richard Brinkley, Government Analyst II, as provided below. The agency has determined that small businesses will not be impacted by this rule.

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: 624.308, 648.26(1) FS.

LAW IMPLEMENTED: 624.307(1), 648.45(1) 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: Wednesday, September 7, 2011, 10:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines 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 5 days before the workshop/meeting by contacting: Richard Brinkley, (850)413-5654 or Richard.Brinkley@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 IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-5654

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-221.010 Temporary Orders of Suspension of Bail Bond Agents.

(1) Since a Bail Bond Agent under a temporary order of suspension may discharge liability on a bond pursuant to Section 648.45, F.S., the following activities are allowed as discharging the liability on a bond pursuant to Section 648.45(1), F.S., but are allowed only with regard to bonds written and posted prior to the date of the order of suspension.

- (a) Contacting defendants to remind them of court dates.
- (b) Attending court proceedings at which a defendant is scheduled to appear.
- (c) Contacting the Court or Clerk of Courts to verify the defendant's attendance at any required proceeding.
- (d) Contacting the Court or Clerk of Courts to verify the status of a bail bond or the status of a defendant's case with the court.
- (e) Returning collateral on bonds that the court has discharged.
- (f) Locating, apprehending, or surrendering to the custody of the jail, pursuant to all applicable laws, a defendant on a bail bond effected by the suspended bail bond agent.
- (g) Collecting premiums under a payment plan on a bail bond effected and posted prior to the order of suspension.
- (h) Possessing bail bond files to maintain current addresses, phone numbers, and other contact information for defendants.
- (i) Converting collateral to cash to pay forfeiture on a bail bond.

(j) Undertaking legal action to vacate or set aside forfeitures on bail bonds.

(2) Activities considered to be acting as bail bond agent without a license due to the suspension, notwithstanding the provisions of Section 648.45(1), F.S., include the following:

(a) Performing any duty or activity listed in subparagraph 1., above, on any bail bond not effected by the suspended agent, or for any person not named as the principal or indemnitor on a bail bond written by the suspended agent.

(b) Effecting any new bail bond business, or completing any forms required as part of the bail bond application process.

(c) Soliciting or facilitating any bail bond business.

(d) Negotiating or accepting the premium payment on any new bail bond.

(e) Posting a bail bond.

(f) Receiving any remuneration from a bail bond agent or agency for performing any clerical, secretarial, custodial, or other duties.

(g) Receiving any remuneration from a bail bond agent or agency relating to any bail bond not legally effected by the suspended agent.

(h) Assisting in any manner in the apprehension of a defendant who failed to appear on a bail bond of another agent.

(i) Supervising the activities of a temporary bail bond agent.

(j) Acting as the primary bail bond agent for a bail bond agency.

(k) Surrendering a defendant to the custody of the jail or the court for any bonds effected after the date of suspension.

(3) A suspended bail bond agent is required to maintain his or her continuing education credits in order for his or her license to be reinstated in the future. The agent is also required to forward the insurer's share of any premiums collected, along with any build-up fund deposits mandated by the agent's contract with the insurer.

(4) Nothing herein should be read to contradict or conflict with any statutory provision or rule otherwise regulating the bail bond business in Florida.

Rulemaking Authority 624.308, 648.26(1) FS. Law Implemented 624.307(1), 648.45(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 14-57.003 | Railroad Safety Standards and Clearance Requirements |
| 14-57.010 | Definitions for Use in Part II |
| 14-57.011 | Public Railroad-Highway Grade Crossings Costs |
| 14-57.012 | Standards for Opening and Closing of Public Railroad-Highway Grade Crossings |
| 14-57.013 | Installation Criteria and Warning Devices for Public Railroad-Highway Grade Crossings |
| 14-57.014 | Rail Corridor Crossing Management |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

In response to comments from the Joint Administrative Procedures Committee, Chapter 14-57, F.A.C., is being amended to remove all references to any possible future amendments to incorporated materials, Department recommendations, and a non-functioning website. The proposed rule has also been rewritten to clarify language, and incorporate Form 850-040-20 through Rule 14-57.014, F.A.C.

14-57.003

(e) Applicability.

~~1. The clearances prescribed in this rule shall not apply to building structures or facilities constructed or relocated adjacent to any tracks prior to September 17, 1953, and to all tracks therein.~~

2. The clearances prescribed in this rule shall not apply to the extension of tracks or the adjacent buildings, structures, or facilities provided the track or buildings or structure or facility to be extended was constructed prior to September 17, 1953.