

the rule repeal have performed an economic analysis of the rule repeal that shows that the rule repeal is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.785, 626.9541(1)(a), (t), 627.410 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: October 17, 2012, 9:30 a.m.

PLACE: 116 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: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.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: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-148.001 Funding of Preneed Contracts With Life Insurance or Annuities.

Rulemaking Authority 624.308(1) FS. Law Implemented 624.307(1), 626.785, 626.9541(1)(a),(t), 627.410 FS. History—New 4-8-97, Formerly 4-148.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099825
RULE TITLE: Voluntary Prekindergarten (VPK) Curriculum Approval Process
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. 38, No. 36, September 7, 2012 issue of the Florida Administrative Weekly.

Rule 6A-1.099825 is amended to read:

6A-1.099825 Voluntary Prekindergarten (VPK) Curriculum Approval Process.

The specifications, policies and procedures for the VPK curriculum approval process are contained in the documents, Florida Voluntary Prekindergarten (VPK) Education Program: Curriculum Approval Specifications 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01632>) and Florida Voluntary Prekindergarten (VPK) Education Program: Policies and Procedures for Curriculum Approval 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01633>) which are hereby incorporated by reference in this rule. Copies of the publications may be obtained by contacting the Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida or from the Department's website at <http://www.fldoe.org/earlylearning/>. In addition, to the Curriculum Approval Specifications and the Policies and Procedures for Curriculum Approval 2012, the following forms are incorporated by reference to become effective November 2012: VPK-Curr1, Committee Member Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01643>); VPK-Curr2, Publisher's Intent to Submit Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01644>); VPK-Curr3, Publisher Registration Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01645>); VPK-Curr4, Publisher Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01646>); and VPK-Curr5, Curriculum Evaluation Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01647>).

Rulemaking Authority 1002.67(2)(c), (3) FS. Law Implemented 1002.67(2)(c), (3) FS. History—New _____.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-4.700 RULE TITLE: Child Performance Standards
 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. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-4.700 Child Performance Standards.

(1) Florida's Office of Early Learning hereby adopts the Florida Early Learning and Developmental Standards: Birth to Five, Form OEL-SR 30, dated September 2012, ~~January 15, 2012~~, as the child performance standards for use in the School Readiness program.

(2) The Florida Early Learning and Developmental Standards: Birth to Five, Form OEL-SR 30, dated September 2012, ~~January 15, 2012~~, is hereby incorporated by reference. For Four-Year-Old Standards, the "Florida Early Learning and Developmental Standards for Four-Year-Olds (2011), <http://www.fldoe.org/earlylearning/pdf/feldsfyo.pdf>", which is incorporated by reference into Rule 6A-1.099823, F.A.C., is hereby incorporated by reference into Form OEL-SR 30. Documents incorporated by reference may be obtained from Florida's Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, Florida 32399, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.floridaearlylearning.com>.

Rulemaking Specific Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)3.d., 411.01(4)(d)8., 411.01(4)(j), ~~411.01(5)(e)1.a., 411.01(5)(c)1.a., 411.01(5)(d)4.e.~~ FS. History-New _____.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-8.201 RULE TITLE: Child Registration Procedures; Application
 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. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-8.201 Child Registration Procedures; Application; ~~Parent Orientation Session.~~

(1) Application. A parent wishing to enroll his or her child for the VPK Program must complete an application process with a local early learning coalition. Contact information for local early learning coalitions is available from Florida's Office of Early Learning at (866)357-3239, TTY/Florida Relay 711, and at the website: <https://spe.schoolreadiness.org/pe/>;

(a) A parent must complete and sign Part A of Form OEL-VPK 01 (Student Application), dated September August 2012, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 6M-8.900, F.A.C. Applications may be completed in hard copy using blue or black ink or online through the website: <https://spe.schoolreadiness.org/pe/>.

(b) A parent must submit the completed and signed Part A of Form OEL-VPK 01, or submit the printed confirmation of an online application to the coalition of the county where the VPK site selected by the parent is located, regardless of the county in which the child resides. A parent must also submit the supporting documents showing the child's age and residential address which are required under Rule 6M-8.200, F.A.C.

(2) Reenrollment Application. If a parent wishes to change a student's VPK provider after a student has already attended a portion of VPK instruction that parent shall follow the requirements of Rule 6M-8.210, F.A.C.

(3) Parent Guide. ~~Each A coalition shall ensure each~~ parent ~~shall have~~ has the opportunity to review a copy of Form OEL-VPK 06, Voluntary Prekindergarten Parent Guide, which is incorporated by reference into Rule 6M-8.2011, F.A.C., and may be obtained as described in Rule 6M-8.900, F.A.C.

(4) Application Submission Location. An early learning coalition shall designate one or more locations throughout the coalition's service area where a parent may submit a Student Application and supporting documents to the coalition. A coalition may allow private or public school VPK providers to be application submission locations. If the coalition designates certain VPK providers as application submission locations, then the coalition, those designated VPK providers, and parents submitting applications to those designated VPK providers must follow the requirements of subsection (5) below.

(5) Alternative Application. Notwithstanding the processes established above, an early learning coalition may also permit a VPK provider to determine the preliminary eligibility of children applying to enroll in the provider's VPK classes on behalf of the coalition in accordance with the requirements of this paragraph. Providers permitted to make preliminary eligibility determinations under this paragraph must do so in accordance with the criteria and processes established in Rule 6M-8.200, F.A.C.

(a) Provider Eligibility. A VPK provider must apply annually to participate under this paragraph by submitting to the early learning coalition the completed and executed Form OEL-VPK 21 (Addendum to the Statewide Provider Agreement) dated September August 2012, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C. A VPK provider shall not participate under this paragraph except under an executed Form OEL-VPK 21. A VPK provider may not determine the

preliminary eligibility of children for its VPK program until the VPK provider receives a fully executed Form OEL-VPK 21 from the coalition which has been signed by the VPK provider and its early learning coalition. Documentation demonstrating that the provider has met the eligibility requirements established under this rule may be required by the coalition; however, the coalition may not impose on the provider additional eligibility requirements not included in this rule.

1. The VPK provider must have delivered instruction in the VPK program during the most recent two program years.

2. The VPK provider must retain a prekindergarten director or designee who has attended a training session conducted by the coalition which instructs the provider on procedures for determining a child's preliminary eligibility for the VPK program, accepting an application and supporting documents on behalf of the coalition, and providing a parent with the form described in subsection (3) above.

3. The VPK provider's most recent kindergarten readiness rate for each program type (school-year and/or summer) must meet the minimum kindergarten readiness rate established pursuant to Section 1002.69, F.S.

4. A VPK provider is not eligible to determine the preliminary eligibility of children under this rule if, during the previous 24 months, the provider:

a. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a student's attendance;

b. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;

c. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a student's attendance;

d. Submitted a monthly attendance roster containing fraudulent reporting of a student's attendance; or

e. Failed to comply with the terms of the Form OEL-VPK 21.

5. A VPK provider which is licensed by the Department of Children and Family Services or a local licensing agency is not eligible to participate under this rule if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

6. A VPK provider which is not licensed by the Department of Children and Family Services or a local licensing agency, but which is accredited as described in Section 1002.55(3)b., F.S., is not eligible to participate under this rule if the provider's accreditation status has expired or been rescinded.

(b) Child Registration Procedures.

1. A parent who wishes to apply to enroll a child for the VPK program through a VPK provider authorized to make preliminary eligibility determinations under this paragraph must complete, sign, and submit to the VPK provider Part A of Form OEL-VPK 01. A parent must submit this form to the VPK provider with supporting documents of the child's age and residential address required under Rule 6M-8.200, F.A.C.

2. A VPK provider determining children's preliminary eligibility under this paragraph shall provide each parent with a copy of the Form OEL-VPK 06, Voluntary Prekindergarten Parent Guide, which is incorporated by reference in Rule 6M-8.2011, F.A.C., and which may be obtained as described in Rule 6M-8.900, F.A.C., upon parental submission of the completed and signed Part A of Form OEL-VPK 01. Within five (5) working days after a child's parent submits the completed and signed Part A of Form OEL-VPK 01, the provider shall complete Part B of the child's Form OEL-VPK 01, maintaining a copy of the completed form and any supporting documents for its records, and process Parts A and B of the completed Form OEL-VPK 01 and supporting documents, as follows:

a. If the child's Form OEL-VPK 01 is complete, signed, and submitted with the required supporting documents, the provider determines that the child appears preliminarily eligible for the VPK program, and the provider registers the child in one of the provider's VPK classes, then the VPK provider shall submit a child's Form OEL-VPK 01 and supporting documents to the coalition.

b. If the child's Form OEL-VPK 01 is not complete, not signed, or not submitted with the required supporting documents, then the VPK provider shall return the form and supporting documents to the child's parent.

c. If the child's Form OEL-VPK 01 is complete, signed, and submitted with the required supporting documents, but the provider determines that the child does not appear to be preliminarily eligible for the VPK program, the provider shall return the child's Form OEL-VPK 01 and supporting documents to the child's parent and, in the designated area of Part B of Form OEL-VPK 01, shall notify the parent of the reasons(s) that the child does not appear to be eligible based on the provider's determination and refer the parent to the coalition.

3. A coalition shall determine whether each child registered in a class by a VPK provider meets the eligibility criteria established in Rule 6M-8.200, F.A.C. Within 30 days of submission of a child's Form OEL-VPK 01 and supporting documentation by a VPK provider, the coalition shall inform the VPK provider and/or parent, as detailed below, applicable, of the child's eligibility or ineligibility in writing.

a. If the coalition determines a child eligible and sends written notification prior to the start of the selected class, the notice shall inform the provider of the first date upon which the child is eligible to receive services.

b. If the coalition determines a child eligible, but the selected class begins before the coalition has provided written notification of the child’s eligibility or ineligibility, the coalition’s notification shall inform the provider and parent of the first date upon which the child is eligible to receive services and inform the parent that the child will not receive the full allotment of hours of VPK service.

c. If the coalition determines a child ineligible, the coalition’s notification shall inform the provider and parent of the reason for the child’s ineligibility.

~~4. Notwithstanding paragraph 6M-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child applying for enrollment in the VPK program through a VPK provider under this paragraph.~~

~~4.5.~~ A VPK provider may not deliver VPK instruction to a child registered in one of its VPK classes until the provider receives the final eligibility verification from a coalition as described in 3. above. Any instruction given prior to receiving final eligibility verification from the coalition shall be non-payable under Rules 6M-8.204 and 6M-8.205, F.A.C.

(c) Provider Prohibitions.

1. Preliminary Eligibility Determination After a VPK Class Has Started. A VPK provider participating under subsection (5) of this rule shall not determine the preliminary eligibility of a child whose parent is applying for enrollment in one of the VPK provider’s classes that has already begun instruction, and instead shall direct the parent to the coalition for child registration.

2. Specialized Instructional Services ~~Providers~~ Program. A VPK provider participating under subsection (5) of this rule shall not determine the preliminary eligibility of a child whose parent is applying to enroll the child in the Specialized Instructional Services ~~Provider~~ Program, and instead shall direct the parent to the coalition for child registration.

3. Reenrollment Under This Rule. A VPK provider participating under subsection (5) of this rule shall not accept Form OEL-VPK 05 from a parent applying to reenroll a child in the VPK provider’s VPK program or determine the preliminary eligibility of such a child for reenrollment. VPK providers shall direct parents applying to reenroll their children with a VPK provider to the coalition for child registration.

4. Payment for Participation Under This Rule Prohibited. A VPK provider may not accept compensation for participating under subsection (5) of this rule, accepting a student application or supporting documents on behalf of the coalition, distributing a Voluntary Prekindergarten Parent Guide, or determining the preliminary eligibility of a child under this rule.

(6) Notwithstanding sub-subparagraph 6M-8.202(1)(c)2.e., F.A.C., a coalition may use Part B of Form OEL-VPK 01 as a certificate of eligibility.

(7) Access to Provider Profiles. Whether a parent registers a child directly through the coalition or through the alternative application process described in subsection (5), each parent has the opportunity to early learning coalition is responsible for ensuring that each parent has access to the profile of each VPK provider operating within the county where the child is being enrolled. To make informed decisions about VPK providers, a parent may:

(a) Contact the local Child Care Resource and Referral (CCR&R) office to receive a customized list of VPK providers in the area that meet the needs of the family, as well as information about child care, School Readiness and other community resources at (866)357-3239 (TTY: 711).

(b) Visit the Department of Children and Families (DCF) website www.myflorida.com/childcare/provider to view inspection reports for licensed VPK providers in the area.

(c) Contact the early learning coalition that provides early learning support services in the community for more information on VPK programs or to request a copy of the profile of each VPK provider in the county.

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History–New 1-19-06, Amended 5-24-07, Formerly 60BB-8.201, Amended _____.

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: 6M-8.2011
 RULE TITLE: Voluntary Prekindergarten Parent Guide

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. 38, No. 25, June 22, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-8.2011 Voluntary Prekindergarten Parent Guide.

(1) The Voluntary Prekindergarten Parent Guide, Form OEL-VPK 06, dated ~~September~~ August 2012, is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., for use in the Voluntary Prekindergarten Education (VPK) Program.

(2) Prior to distribution of this document by an early learning coalition, the coalition must add its contact information to the fourth page of the document in the final bullet under the heading “For More Information, Contact Your ELC.” Contact information must include, but is not limited to, the coalition’s name, phone number, and web address.

(3) Prior to distribution of this document by a VPK Program provider to a parent, the provider must add the contact information of the local early learning coalition to the fourth page of the document in the final bullet under the heading “For

More Information, Contact Your ELC.” Contact information must include, but is not limited to, the coalition’s name, phone number, and web address.

Rulemaking Authority 1002.79(2) FS. Law Implemented ~~1002.53(4)~~, 1002.75(2)(a) FS. History–New _____.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.: RULE TITLES:
 27P-11.004 Prerequisites
 27P-11.0061 Funding

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 35, August 31, 2012 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose of these amendments is to align the prerequisites with the statutory language and to delete the reference to SLA funding.

SUBJECT AREA TO BE ADDRESSED: Funding Formula for County Emergency Management Agencies.

RULEMAKING AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 252.373 FS.

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

DATE AND TIME: October 1, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Division of Emergency Management, 2555 Shumard Oak Boulevard, Room 100E, Tallahassee, Florida 32399. Conference Call: 1(888)670-3525, Conference Code: 5872188816

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: Mindy Dowling at (850)410-1268.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-11.004 Prerequisites.

No application for matching funding will be considered unless an applying county complies with each of the following requirements:

(1) The county must have an emergency management director, who works at least 40 hours a week in that capacity, devotes no less than one half of his/her time (20 hours per week) to the duties of the director. Counties with populations of less than 75,000 or party to an interjurisdictional emergency

management agreement entered into pursuant to Section 252.38(3)(b), F.S., that is recognized by the Governor by executive order or rule, must have an emergency management coordinator who works at least 20 hours a week in that capacity 50,000 or more must have a full-time director. “Full-time Director” means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction ~~Board of County Commissioners.~~

(2) No change.

Rulemaking Authority 252.35(2)(x), 252.373(2) FS. Law Implemented 252.373 FS. History–New 2-15-82, Amended 10-5-82, 10-1-84, Formerly 9G-11.04, Amended 9-18-96, 10-2-97, Formerly 9G-11.004, Amended _____.

27P-11.0061 Funding.

Eligible County Emergency Management Agencies in the state shall be allocated annual Federal Emergency Management Agency (FEMA) ~~State and Local Assistance (SLA)~~ funding based on the following: Each county shall be allocated the amount initially allocated to the county under its Fiscal Year 1994-95 Emergency Management Assistance agreement with the Division of Emergency Management (Division). This amount shall be increased or decreased to reflect additions or reductions in the availability of FEMA ~~SLA~~ funds to the Division and the Division’s distribution of funds to local governments. Each county’s increase or decrease shall be commensurate with its proportionate share of the state’s total population based on the most recent official population estimates.

Federal ~~SLA~~ funds shall be used by the county for personnel, travel and administrative expenses. Each county must be able to provide a non-federal match for federal funds on a dollar for dollar basis.

Rulemaking Authority 252.35(2)(x), 252.373(2) FS. Law Implemented 252.373 FS. History–New 10-1-84, Formerly 9G-11.061, Amended 9-18-96, Formerly 9G-11.0061, Amended _____.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.: RULE TITLES:
 27P-19.002 Definitions
 27P-19.004 Base Grant Eligibility
 27P-19.006 Reallocation of Base Grant Funds
 27P-19.010 Disbursement
 27P-19.011 Match Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 35, August 31, 2012 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose of these amendments is to align the base grant eligibility requirement with the statutory language and increase the amount of time counties have to submit requests for a match.

SUBJECT AREA TO BE ADDRESSED: Base Grant Eligibility.

RULEMAKING AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.373, 252.35, 252.38 FS. A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 1, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Division of Emergency Management, 2555 Shumard Oak Boulevard, Room 100E, Tallahassee, Florida 32399. Conference Call: 1(888)670-3525, Conference Code: 5872188816

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: Mindy Dowling at (850)410-1268

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-19.002 Definitions.

(1) through (4) No change.

(5) “Full-time Director” means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction Board of County Commissioners.

(6) through (28) No change.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00, 10-22-02, 1-3-06, Formerly 9G-19.002, Amended_____.

27P-19.004 Base Grant Eligibility.

(1) No change.

(2) Counties with population of in excess of 75,000 or more shall have a Full-time Director in order to qualify for an allocation.

(3) Counties with a population less than 75,000, or which are parties to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), Florida Statutes, shall have an emergency management coordinator who works at least 20 hours a week in that capacity or a Full-time Director in order to qualify for an allocation.

~~(4) County Emergency Management Agencies not in compliance with the terms of a prior award shall not be eligible for additional awards.~~

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-00, Formerly 9G-19.004, Amended_____.

27P-19.006 Reallocation of Base Grant Funds.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 11-13-96, 11-10-97, Formerly 9G-19.006, Repealed_____.

27P-19.010 Disbursement.

(1) The amount of funds estimated as available for ~~Base Grant and~~ Competitive Award allocations shall be noticed prior to each grant cycle.

(2) Base Grant Awards provided under this rule shall be offered to the governing body of the jurisdiction Board of County Commissioners. Competitive Awards shall be offered to and accepted by the chief executive officer, or by the appropriate governing body, if a local government.

(3) No change.

(4) Each Recipient may receive trust funds from the Division on a quarterly basis, based on the submittal of reports. Said reports shall be provided using the forms included in the grant agreement, as supplemented by any particular information requested in writing by the Division prior to the due date of the report. The term of a competitive grant shall be as set forth in the grant agreement, subject to any limitations imposed by the applicable legislative appropriation. Any extensions shall be governed by Section 287.057(12)(11), Florida Statutes.

(5) No change.

~~(6) Upon written request and accompanying documentation detailing exceptional circumstances justifying the need, not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.~~

~~(6)(7)~~ Recipients shall comply with all applicable procurement rules and regulations in securing goods and services to implement a proposed project. For purposes of the competitive grant programs only, the Recipient shall identify the applicable procurement rules, regulations and standards to be used in the first progress report to the Division following the notice of award.

~~(7)(8)~~ The Recipient shall establish a separate account code in an interest bearing account for tracking all deposits, expenditures and interest pertaining to an award. A separate account code shall be established for each award received.

~~(8)(9)~~ The Division shall be permitted to inspect and monitor the records and facilities of funded projects and award recipients. Such inspections may occur without notice at any reasonable time, which shall be presumed to be normal business hours on Monday through Friday.

~~(9)(10)~~ The Division shall prescribe the type of information, timing and format in which project information shall be reported in the grant agreement. In the event that the Division determines that additional reports are necessary in order to demonstrate compliance with this rule chapter or the terms of the grant agreement, then the grant recipient shall supply said reports. Failure to meet the requirements related to reporting shall constitute noncompliance.

~~(10)(11)~~ Allowable costs shall be determined in accordance with applicable Federal Office of Management and Budget Circulars, or, in the event no circular applies, by 48 C.F.R. part 31 CONTRACT COST PRINCIPLES AND PROCEDURES.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 11-27-03, 1-3-06, Formerly 9G-19.010, Amended _____.

27P-19.011 Match Requirements.

(1) No change.

(2) If the Base Grant recipient demonstrates that exceptional financial circumstances prevent the Base Grant recipient from complying with the match requirements in subsection 27P-19.011(1), F.A.C., then the Base Grant recipient may request that the Division authorize a reduction in the amount of match required. The match required shall not be reduced by a percentage amount in excess of reductions in funding for county 911 services, emergency medical services, law enforcement, criminal justice, public works or other emergency management related services, ~~and shall not be reduced below twenty-five (25) percent of the Base Grant award.~~ To be eligible for any reduction, the Base Grant recipient shall demonstrate and certify that the reduction is due to reductions in county general revenue funding and that the amount of the requested reduction is equivalent to across the board reductions in all county budgets. County requests for reduction shall be signed by the county’s chief elected officer and the certification of reduction in county budget funding shall be signed by the county’s chief financial officer. Requests shall certify the intent to return to pre-reduced funding as soon as practicable, and shall provide an estimate of the date at which the county will return to the current level of funding. Requests for reduction shall also be accompanied by financial data for the previous three years indicating: the level of county funding for the County Emergency Management Agency budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction

shall be submitted no later than forty-five (45) days after the county budget has been approved by the governing body of the jurisdiction prior to the beginning of the county fiscal year, or the opportunity to request shall be waived.

(3) No change.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 11-13-96, Formerly 9G-19.011, Amended _____.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-22.002	Definitions
27P-22.004	LMS Working Groups
27P-22.006	County Allocations and Project Funding
27P-22.007	Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 35, August 31, 2012 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose of these amendments is to change the method of allocating excess funds and to update the Hazard Mitigation Flood Program Application.

SUBJECT AREA TO BE ADDRESSED: Hazard Mitigation Grant Program.

RULEMAKING AUTHORITY: 252.35 FS.

LAW IMPLEMENTED: 252.311, 252.35, 252.32 FS.

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

DATE AND TIME: October 2, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Division of Emergency Management, 2555 Shumard Oak Boulevard, Room 100E, Tallahassee, Florida 32399. Conference Call: 1(888)670-3525, Conference Code: 5872188816

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: Mindy Dowling at (850)410-1268.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-22.002 Definitions.

(1) No change.

(2) "Application" means the request for hazard mitigation funding as submitted to the Division of Emergency Management by an Applicant.

(3) through (12) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.002, Amended.

27P-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the governing body of the jurisdiction ~~Board of County Commissioners~~ shall submit to the Division a list of the members of the Working Group and its designated Chairperson and Vice-Chairperson.

(2) through (4) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.004, Amended.

27P-22.006 County Allocations and Project Funding.

(1) No change.

(a) through (b) No change.

(2) If funds remain after all eligible projects under subsection (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant presidential disaster declaration and distributed equally amongst the counties for eligible projects prioritized by the LMS on a first-come first-served basis until all available funds are obligated.

(3) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.006, Amended.

27P-22.007 Application.

(1) through (4) No change.

(5) Applications must be submitted using Form No. HMGP/FMA-001, State of Florida ~~Joint~~ Hazard Mitigation Grant Program ~~& Flood Mitigation Assistance~~ Application (Effective Date June, 2012 or as amended by the Division September 30, 2004), which is incorporated into this rule by reference, a copy of which may be obtained by contacting the Division or visiting www.floridadisaster.org.

(6) through (7) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007, Amended.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.106
 RULE TITLE: Commutation of Sentence

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

The following is replacement language for the Summary: Rule 33-601.106, F.A.C., is being repealed, as the provisions of the rule are no longer in accordance with applicable statutory authority.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-30.011	General Permit for Wells
40E-30.031	Implementation
40E-30.042	General Permit for Construction, Repair or Abandonment of Wells
40E-30.112	Notice of Intent
40E-30.141	Request for Additional Information
40E-30.302	Thresholds for South Dade County

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.086	Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

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. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

The following change is made to the Notice of Proposed Rule.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.086 Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) through (2) No change.

(3) The effective date is July 1, 2013.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.088
 RULE TITLE: Developmental Disabilities
 Consumer Directed Care Plus

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

The following changes have been made to the Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook, July, 2012.

Page 1-9 General Definitions, continued. Consultant.

The first paragraph is changed to read:

A support coordinator, as defined in Section 393.063(37), F.S., who has received specific training in Consumer self direction to assist Consumers enrolled in CDC+ and their families or Representatives in identifying and choosing supports and services through the CDC+ program. A Consultant provides technical assistance to Consumers or their Representatives in meeting their responsibilities under the CDC+ program, as defined in Section 409.221(4)(c)2., F.S.

The second paragraph is deleted.

Page 1-24 General Definitions, continued. Work Week. The paragraph is changed to read:

The CDC+ workweek is established by APD as the Fiscal/Employer Agent for all consumers and their directly hired employees. The workweek starts at 12:00 a.m. every Monday and ends at 11:59 p.m. every Sunday. Pursuant to the Fair Labor Standards Act, a workweek is seven consecutive 24-hour days.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.007
 RULE TITLE: Selected Exempt Service
 Extraordinary Payment Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 28, July 13, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.: 60L-32.007
 RULE TITLES: Selected Exempt Service
 Extraordinary Payment Plan
 60L-32.0071
 Selected Exempt Service
 Extraordinary Payment Plan

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 32, August 10, 2012 issue of the Florida Administrative Weekly.

The Department of Management Services is correcting the notices of proposed rule for 60L-32.007 and 60L-32.0071, in Vol. 38, No. 32, August 10, 2012 issue of the Florida Administrative Weekly, to clarify that there is no need for legislative ratification with the following replacement language:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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 nor exceed \$1 million dollars in the aggregate within 5 years after the implementation of the rule. For these reasons, a SERC has not been prepared by the agency and legislative ratification is not required.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-45.0365
 RULE TITLE: Non-Final Orders
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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

61B-45.0365 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is placed in abeyance or abated by a non-final order abated, ~~held in abeyance, or administratively closed~~, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4), 718.1255(4)(i) FS. Law Implemented 718.1255(3)(c), 718.1255(4)(i) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-50.1265
 RULE TITLE: Non-Final Orders

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. 38, No. 30, July 27, 2012 issue of the Florida Administrative Weekly.

61B-50.1265 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is placed in abeyance or abated by a non-final order abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c), 718.1255(4) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-80.1165 RULE TITLE: Non-Final Orders

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. 38, No. 30, July 27, 2012 issue of the Florida Administrative Weekly.

61B-80.1165 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is placed in abeyance or abated by a non-final order abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c), 718.1255(4)(i), 720.311(1), 720.311(2)(c) FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

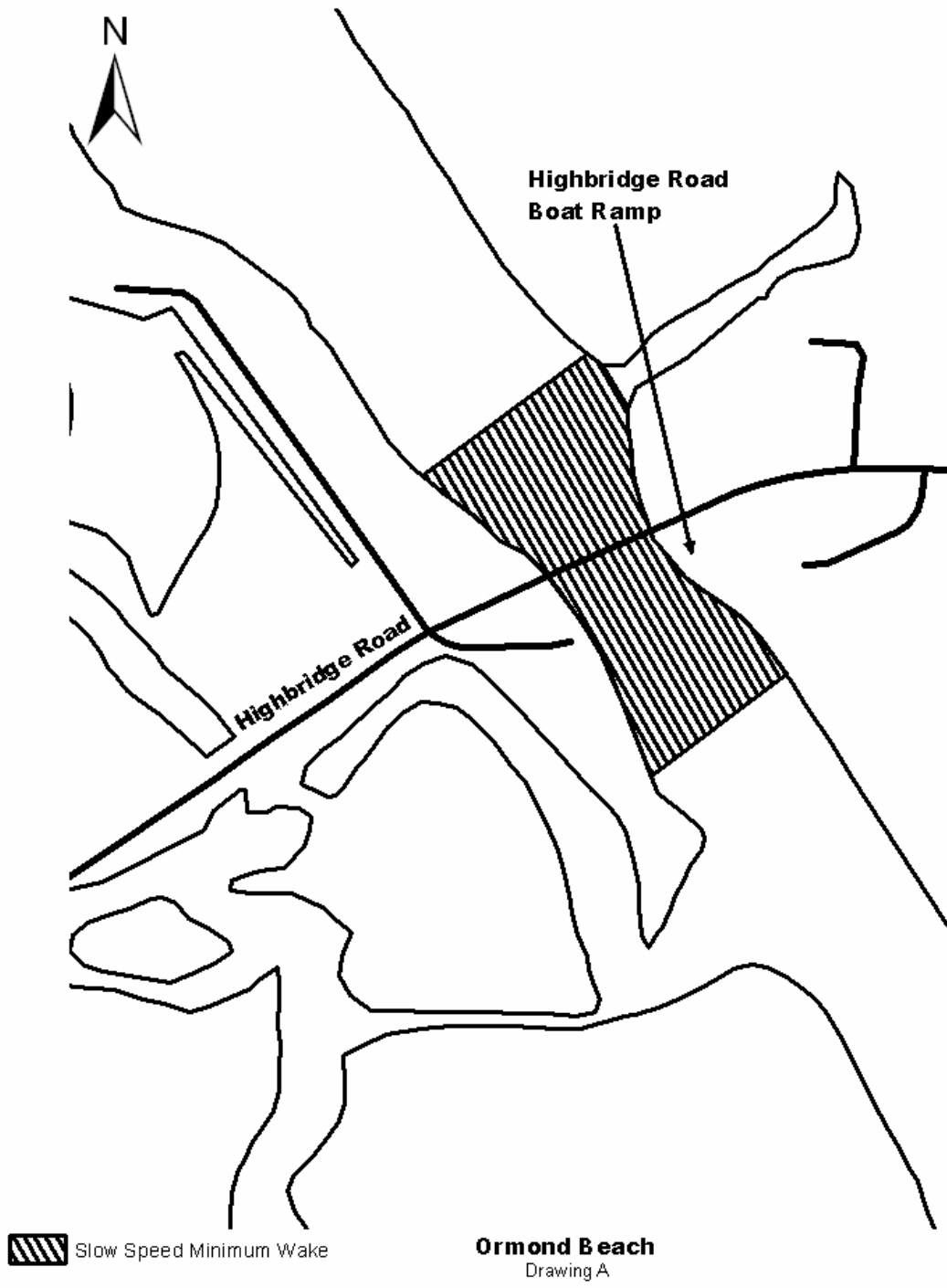
Vessel Registration and Boating Safety

RULE NO.: 68D-24.164 RULE TITLE: Volusia County Boating Restricted Areas

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. 38, No. 16, April 20, 2012, issue of the Florida Administrative Weekly. A public hearing was held on September 5-6, 2012, in Tampa.

Proposed amendment to Rule 68D-24.164 has been changed in the following way: "Drawing A" depicting the Highbridge Road Boating Safety Zone, described in section (1)(a)1. of the rule, contained a scrivener's error, incorrectly depicting the northern boundary of the zone 100 feet shorter than described in the rule text. The rule text is in no way being changed. "Drawing A" is revised to appear as follows:



No other changes were made to the rule amendments as proposed.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-20.006 Computation of Time
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-21.004 Computation of Time
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER12-59 Replacement of Obsolete Emergency
 Rule

SUMMARY: This emergency rule is replacing another emergency rule that has been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-59 Replacement of Obsolete Emergency Rule.

The Department of the Lottery’s emergency rule relating to the Lottery’s Business Partner Program is being replaced because the program has been discontinued and the provisions of the rule are obsolete. This rule shall replace 53ER05-44, F.A.C.

Rulemaking Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 8-29-12, Replaces 53ER05-44, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 29, 2012

Section V

**Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on August 17, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsections 11B-35.002(2) and 11B-27.002(4), F.A.C., by Arcadia Police Department on behalf of Officer Robert McVey. Petitioner wishes to waive that portion of the rules which requires an officer to obtain employment within four years of beginning basic recruit training. The Petition states that Officer McVey was employed by Petitioner in May of 2012. Officer McVey had commenced cross-over basic recruit training on April 14, 2008. The Petitioner was able to register Officer McVey in the CJSTC’s officer database, but learned in July of 2012, that Officer McVey was ineligible for employment because of the rules cited above. The Petition states that the operation of the rule would violate the principles of fairness because Petitioner was able to register Officer McVey in ATMS in May of 2012, and put him to work in June of 2012, whereas other officers subject to the rule would have been blocked in ATMS and denied registration. The Petition states that the operation of the rule creates a substantial hardship for both Petitioner and Officer McVey in that arrests and citations issued by Officer McVey would be made a nullity should he lose his eligibility to remain certified. The Petitioner would have to fill the vacancy created by Officer McVey with other officers during severe budgeting times. The Petition further supports the requested waiver by stating that Officer McVey would have to return to training school to demonstrate proficiency in the high liability areas and pass the SOCE prior to becoming eligible for employment, which would be a considerable expense to him.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

STATE BOARD OF ADMINISTRATION

The State Board of Administration hereby gives notice that on August 29, 2012, the State Board of Administration (SBA), Florida Hurricane Catastrophe Fund, received a request for withdrawal of a petition for Emergency Variance or Waiver from Rules 19-8.010 and 19-8.030, F.A.C. The SBA originally received the petition from Cypress Insurance Company on August 7, 2012, and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 33, August 17, 2012. No public comment was received.