

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule
development is to discuss proposed revisions to the education
standards for children in the Voluntary Prekindergarten (VPK)
Education Program. The effect of the rule will be the adoption
of uniform standards that describe the skills that a
four-year-old child should know and be able to demonstrate by
the end of the VPK program.

SUBJECT AREA TO BE ADDRESSED: Voluntary
Prekindergarten (VPK).

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

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

DATES AND TIMES: Wednesday, February 20, 2008, 2:00
p.m. – 5:00 p.m., Tuesday, February 26, 2008, 6:00 p.m. – 9:00
p.m.

PLACES: February 20 – The Anderson Training Room at the
Children's Service Council Building, ELC PBC, 2300 High
Ridge Road, Boynton Beach, FL 33426

February 26 – The Board Room of the Children's Board,
Children's Board of Hillsborough County, 1002 East Palm Ave.
in Historic Ybor City, Tampa, FL 33605

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan
Goff, Executive Director, Office of Early Learning, at
(850)245-0445 or Shan.Goff@fldoe.org.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.002
RULE TITLE: Postsecondary Educational
Institution Administrative
Responsibilities for State Student
Aid Programs

PURPOSE AND EFFECT: The purpose of this rule
development is to update text to include tuition assistance
programs, the William L. Boyd, IV, Florida Resident Access
Grant, and the Access to Better Learning and Education Grant.
The effect is a rule consistent with current Florida Statute.

SUBJECT AREA TO BE ADDRESSED: Florida State Student
Aid Programs.

SPECIFIC AUTHORITY: 1001.02(1), 1009.50(6),
1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3) 1005.55(2),
1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2),
1009.891(2) FS.

LAW IMPLEMENTED: 1001.02, 1009.50, 1009.505,
1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72,
1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa
Antworth, Director, State Scholarship and Grant Programs,
Florida Department of Education, Office of Student Financial
Assistance, 1940 North Monroe Street, Suite 70, Tallahassee,
Florida 32303-4759, (850)410-5185

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0021
RULE TITLE: Program Compliance Audits of State
Student Financial Aid and the
Florida Resident Access Grant
Program

PURPOSE AND EFFECT: The purpose of this rule
development is to reflect current practice in that program
compliance audits for state financial aid programs and tuition
assistance grant programs are conducted by the Office of
Student Financial Assistance rather than the Inspector
General's Office. This amendment will bring participating
postsecondary institutions in alignment with the Florida Single
Audit Act.

SUBJECT AREA TO BE ADDRESSED: Florida Student
Financial Aid and Resident Access Grant Programs.

SPECIFIC AUTHORITY: 295.01(3), 1001.02(1), 1009.51(1),
1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765,
1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 295.01, 1009.51, 1009.52, 1009.53,
1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The proposed revision will adopt a new Section K of the Joint Application For: Environmental Resource Permit/Authorization to use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form 547.27/ERP (9/07). The purpose of the new section is to require an applicant to specify the location within the draft homeowners' or property owners' association documents of certain information required by District rules. The effect will be to streamline and expedite the District's review of the relevant documents during the application process.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting – Operation and Maintenance Entities.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy

General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (25) No change.

SURFACE WATER

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 547.27/ERP (____9/07)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The proposed revision provides a reference to an additional section of the Environmental Resource Permit (ERP) application form in the relevant sections of the ERP Basis of Review. The effect will be to require that applicants proposing a homeowners' or property owners' association as the operation and maintenance entity for a surface water management system are required to submit the new form.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting – Operation and Maintenance Entities.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~September 25, 2007~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07, _____.

ERP Information Manual
Part B, Basis of Review
Chapter Two – Administrative Criteria

2.0 - 2.4 No change.

2.6 Legal Operation and Maintenance Entity Requirements

2.6.1 No change.

2.6.2 Operation and Maintenance Entity Documentation Requirements

2.6.2.1 No change.

2.6.2.2 Requirements for Associations

2.6.2.2.1 If a homeowners’ association, property owners’ association or master association is proposed, the applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Associations Documents, draft copies of the articles of incorporation for the association, the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the documents. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to lot or parcel sales, whichever

occurs first. Where there will be a delayed transfer to the association, a copy of the association’s articles of incorporation in final form shall be submitted to the District prior to transfer of operation and maintenance responsibility to the association. “Final form” as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. “Final form” as applied to the declaration of protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.2 If a condominium association is proposed, the applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Associations Documents, draft copies of the articles of incorporation for the association and the declaration of condominium. The applicant shall also submit a copy of the acceptance letter from the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, stating that the documents are proper for filing. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to unit sales, whichever occurs first. Where there will be a delayed transfer to the association, a copy of the association’s articles of incorporation in final form shall be submitted prior to transfer of operation and maintenance responsibility to the association. “Final form” as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. “Final form” as applied to the declaration of condominium means the document as recorded in the official records for the county where the project is located, including

the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.3 – 2.6.2.2.7 No change.

2.6.2.3 Requirements for Small Subdivisions with the Lot Owners as the Operation and Maintenance Entity - The declaration of protective covenants or deed restrictions for residential subdivisions consisting of 10 lots or less and for which the lot owners are proposed as the operation and maintenance entity shall contain the provisions in subsections 2.6.2.2.5 “a,” “c,” “h,” and “i,” and the following additional provisions:

- a. The surface water management system facilities are located on land that is designated common property on the plat or are located on land that is subject to an easement in favor of all of the lot owners within the subdivision.
- b. The permittee shall be responsible for operation and maintenance of the surface water management system facilities until the first successful reinspection conducted pursuant to the Environmental Resource Permit. The transfer of responsibility to the lot owners will not be effective until the District approves the transfer in writing.
- c. The lot owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities after the first successful reinspection.
- d. Operation and maintenance, and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.
- e. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against any lot owner(s) to compel such lot owner(s) to correct any outstanding maintenance problems with the surface water management system facilities.

The applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Association Documents, a draft copy of the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the document. A copy of the declaration of protective covenants or deed restrictions in its

final form shall be submitted, either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days or (2) prior to lot sales, whichever occurs first. “Final form” as applied to the declaration of protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to this section. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.3 No change.

2.7 – 2.8 No change.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.005
RULE TITLE: Benefits

PURPOSE AND EFFECT: Removes reference to the Adoption Benefits Program from the administrative rule in accordance with Chapter 2007-119, Laws of Florida. Sections 110.152 and 110.15201, F.S., were repealed and the adoption benefits program for state employees was transferred to the Department of Children and Families effective July 1, 2007.

SUBJECT AREA TO BE ADDRESSED: Removes reference to the adoption benefits program for state employees from the Department of Management Services administrative rules.

SPECIFIC AUTHORITY: 110.1055, 110.1052 FS.

LAW IMPLEMENTED: 110.152 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anna B. Gray, Workforce Development and Benefits Manager, Division of Human Resource Management, 4050 Esplanade Way, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-32.005 Benefits.

(1) through (2) No change.

~~(3) Adoption benefits are available to employees of the state as outlined below:~~

~~(a) Payment of benefits is contingent on funding.~~

~~(b) Benefits are available only for adoptions that become final after September 30, 2000.~~

~~(c) Benefits are available only for a child who is under the age of eighteen upon final order of adoption, unless the child is a special needs child as defined in Section 110.152(1)(b), Florida Statutes.~~

~~(d) An employee who adopts more than one child is eligible for benefits for each child.~~

~~(e) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.~~

~~(f) If funds are appropriated for payment of new adoptions, the Department shall administer the funds appropriated for this benefit. The Department shall hold an annual open enrollment period for submission of applications between the first business day of April and the last business day of May. To apply for this benefit, the applicant shall fully complete and submit the Department's Application for Adoption Benefits Form (Form DMS/HRM/ADOPT, eff. 1/1/02), which is hereby incorporated by reference.~~

~~1. To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.~~

~~2. For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.~~

~~(g) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.~~

~~Specific Authority 110.1055, 110.15201, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.152, 110.201, 110.209, 110.403, 110.603 FS. History—New 1-1-02, Amended 4-3-03, _____.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.0105
 RULE TITLE: Approval of Continuing Education Courses in Laws and Rules

PURPOSE AND EFFECT: Purpose and effect to clarify the time that a continuing education course approval is valid.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses in Laws and Rules.

SPECIFIC AUTHORITY: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) through (5) No change.

(6) Continuing education course approval is valid for the biennium during which it was applied for ~~two (2) years from date of issue, two (2) years from date of issue~~, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

(7) No change.

Specific Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History—New 4-8-07, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.0335	Qualification of New Employee
69A-37.0336	Application Process Certificate of Compliance
69A-37.036	Determination of Moral Character
69A-37.037	Firefighter Training Course Medical Examination
69A-37.039	Prescribed Forms for Training and Certification
69A-37.0527	Retention of Certification
69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055	Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.056	Specifications for Certifiable Training
69A-37.057	Roster of Students
69A-37.058	Verification of Prescribed Training Hours

PURPOSE AND EFFECT: To remove references to the Firefighter I category and adopt the latest National Fire Protection Association standards for training.

SUBJECT AREA TO BE ADDRESSED: The subject matter to be addressed is Firefighter I and updated training standards.

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(4), 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a), (i), 633.101(1) FS.

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

DATE AND TIME: Wednesday – February 27, 2008, 10:00 a.m.

PLACE: Main Meeting Room, Plantation Fire Department Administration Building, 550 N. W. 65th Avenue, Plantation, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-3604

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON, AND IS ALSO AVAILABLE ON THE DIVISION’S WEBSITE AT <http://www.fldfs.com/SFM/>

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-20.0011	Full Disclosure Statement
69I-20.0021	Procedures for Filing Claim
69I-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
69I-20.0023	Database Submissions
69I-20.0024	Investigation or Examination Fees
69I-20.0025	Shareholder Affidavit
69I-20.0026	Claimant Affidavit
69I-20.0027	Payment of Conflicting Claims
69I-20.0028	General Principles for Joint Ownership of Property
69I-20.0029	Survivorship Accounts Reported by a Financial Institution
69I-20.030	Definitions
69I-20.031	Holder Due Diligence
69I-20.034	Report of Property Presumed Abandoned
69I-20.035	Reporting Safe Deposit Box Contents
69I-20.036	Remitting of Safe Deposit Box Contents and Reimbursement of Expenses
69I-20.038	Late Annual Report(s), Late Payment(s), and Late Delivery of Abandoned Property
69I-20.040	Written Notice
69I-20.050	Voluntary Disclosure Agreements

PURPOSE AND EFFECT: The purpose of the rule development is to do the following:

Rule 69I-20.0011: The purpose and effect of the proposed rule is to specify the mailing and Internet address of the Bureau of Unclaimed Property.

Rule 69I-20.0028: The purpose and effect of the proposed rule is to provide general principles for jointly owned property.

Rule 69I-20.0029: The purpose and effect of the proposed rule is to provide that “and” accounts, “or” accounts, and accounts otherwise reported by financial institutions in the name of two or more individuals shall be treated as survivorship accounts in the absence of evidence to the contrary.

Rule 69I-20.031: The purpose and effect of the proposed rule is to merge the definition of the term “due diligence” codified in Section 717.101(9), F.S., with the statutory provision of Section 717.117(4), F.S., which implements the definition.

Rule 69I-20.050: The purpose and effect of the proposed rule amendment is to amend the rule and provide that a holder may not enter into a voluntary disclosure agreement if the holder has agreed to a self-audit, been requested by the Department to conduct a self-audit, or has been notified of the Department's intention to audit or examine the holder.

SUBJECT AREA TO BE ADDRESSED: Rules 69I-20.0011: Full disclosure. 69I-20.0028: Joint ownership of unclaimed property. 69I-20.0029: Survivorship accounts. 69I-20.031: Due diligence. 69I-20.050: Voluntary disclosure agreements.

SPECIFIC AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 655.005, 655.79, 717.101, 717.117, 717.119, 717.124, 717.12403, 717.126, 717.129, 717.135, 717.1351, 731.201 FS.

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

DATE AND TIME: Friday, March 14, 2008, 9:00 a.m.

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., 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: Paul Stadler, (850)413-3010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

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

SUMMARY: This amendment updates references to required technical standards, clarifies ambiguous language, reorganizes and consolidates various provisions, and provides for greater flexibility in agency technology practices while continuing to require adherence to records retention and access requirements set forth in Chapters 119 and 257, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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.

SPECIFIC AUTHORITY: 257.14, 257.36 FS.

LAW IMPLEMENTED: 257.14, 257.36 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: Tuesday, March 4, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 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 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-26.003 Electronic Recordkeeping.

(1) PURPOSE. These rules provide standards for record (master) copies of public records which reside in electronic recordkeeping systems. Recordkeeping requirements must be incorporated in the system design and implementation of new systems and enhancements to existing systems. Public records are those as defined by Section 119.011(11), F.S.

(2) AUTHORITY. The authority for the establishment of this rule ~~these rules~~ is Sections 257.14 and 257.36(1) and ~~(6)(e)~~, F.S.

(3) SCOPE.

(a)1. These rules are applicable to all agencies as defined by Section 119.011(2), F.S.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-26.003 RULE TITLE: Electronic Recordkeeping

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for managing public records created or maintained in electronic form. Updated guidelines reflect current technologies and best practices in managing electronic records and ensuring their retention and accessibility in accordance with public records provisions of Chapter 119, Florida Statutes.