

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Cultural Affairs**

RULE NO.:                   RULE TITLE:  
IT-1.001                    Division of Cultural Affairs  
PURPOSE AND EFFECT: The purpose of this rule amendment is to:

1. Amend subsection IT-1.001(1), F.A.C., by changing the name of the Florida Arts Council to the Florida Council on Arts and Culture in accordance with Section 265.285, F.S.
2. Create a new rule, Arts and Cultural Grants, Rule IT-1.036, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review and funding method, reporting requirements, grant administration forms, and program guidelines for the Cultural and Museum Grants Program and the Specific Cultural Projects Program.
3. Repeal subsection IT-1.001(19), F.A.C., Regional Cultural Facilities Program as a result of Legislative repeal of the governing Statute (Section 265.702, F.S.).
4. Repeal Rule IT-1.031, History Museum Grants Application Requirements; and IT-1.032, History Museum Application Review and Grant Administration as a result of repeal of the governing Statute (Section 265.708, F.S.). The History Museum Program has been incorporated into Section 265.286, F.S. Guidelines and application procedures are incorporated into Rule IT-1.036, F.A.C.
5. Repeal the Quarterly Assistance Program (subsection IT-1.001(9), F.A.C.), and the Challenge Grant Program (subsection IT-1.001(14), F.A.C.). Previous grantees will have access to funding through Arts and Cultural Grants, Rule IT-1.036, F.A.C.
6. Repeal the following subparagraphs and incorporate the program information into Arts and Cultural Grants, Rule IT-1.036, F.A.C.: subsections IT-1.001(3), (4), (5), (6), (7), (8), (10), (12), (13), and (18), F.A.C.
7. Establish new rule numbers for the following programs: Art in State Buildings (paragraph IT-1.001(2)(a), F.A.C.), Florida Artists Hall of Fame and Arts Recognition Program (paragraph IT-1.001(2)(b), F.A.C.), the State Touring Program (subsection IT-1.001(11), F.A.C.), the Individual Artist Fellowship Program (subsection IT-1.001(17), F.A.C.), and the Artwork and Collection Care and Maintenance Program (IT-1.001(20), F.A.C.). There are no new eligibility criteria, program review criteria, or additional reporting requirements for these programs.

8. Re-number the Cultural Endowment Program rule from subsection IT-1.001(15) to subsection IT-1.001(2), F.A.C., and the Cultural Facilities Program rule from subsection IT-1.001(16) to subsection IT-1.001(3), F.A.C. No changes are being made to these programs in this amendment.

SUBJECT AREA TO BE ADDRESSED: Establish eligibility criteria, application procedures, matching funds, panel review and evaluation criteria, Legislative review and funding method, reporting requirements, and grant administration in several Division programs.

RULEMAKING AUTHORITY: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 FS.

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

DATE AND TIME: Monday, June 15, 2009, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
33-210.102                   Legal Documents and Legal Mail  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling and processing of incoming legal mail.

SUBJECT AREA TO BE ADDRESSED: Legal Mail.

RULEMAKING AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as mail to and from the following entities that is either marked as legal pursuant to paragraph (8)(d) of this rule or is inspected in the presence of the inmate pursuant to paragraph (8)(h) of this rule:

(a) ~~Municipal Mail to and from municipal~~, county, state and federal courts.

(b) ~~State Mail to and from state~~ attorneys.

(c) ~~Private Mail to and from private~~ attorneys.

(d) ~~Public Mail to and from public~~ defenders.

(e) Legal Mail to and from legal aid organizations.

(f) ~~Mail to and from Agency clerks~~ Clerks.

(g) Government Mail to and from government attorneys.

(3) through (7) No change.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed by mailroom staff before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

(d) The sender of incoming legal mail shall mark the outside of the envelope "legal." "legal-confidential," "legal-open only in the presence of the addressee," or similar language which would put the reader on notice that the mail should be handled and processed pursuant to this Rule ~~is legal mail of a confidential nature.~~ Mail from the courts, state attorney, public defender or from any agency clerk or government attorney that is not marked as legal pursuant to this paragraph shall be handled and processed pursuant to Rule 33-210.103, F.A.C subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. ~~All other incoming incoming mail that is not marked as legal pursuant to this paragraph which does not include a marking on the outside of the envelope requesting that it be treated as confidential legal mail shall be handled and processed pursuant to Rule 33-210.101, F.A.C treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.~~

(e) through (i) No change.

(9) through (15) No change.

Rulemaking Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07, 4-23-09,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-601.602 Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require all inmates participating in a community release program to pay facilities a 55% subsistence fee.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

RULEMAKING AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) through (9) No change.

(10) Disbursement of Earnings.

(a) through (c) No change.

(d) All inmates participating in community release programs ~~The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:~~

1. ~~Inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate's net earnings.~~

2. ~~For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) times the inmate's net earnings.~~

(e) through (l) No change.

(11) through (16) No change.

Rulemaking Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.606  
 RULE TITLE: Placement of Inmates into Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify eligibility requirements for inmates with and without non-advanceable dates, to specify that an inmate is ineligible for failure to complete a substance abuse program only with respect to those programs required during his current period of incarceration, and to remove reference to Form EF6-009, which is no longer used.

SUBJECT AREA TO BE ADDRESSED: Placement of Inmates into Community Release Programs.

RULEMAKING AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
  - (a) An inmate is ineligible for community release programs if he has:
    - 1. through 2. No change.
    - 3. ~~Been terminated~~ Terminated from work release, a community-based residential substance abuse program, or a center work assignment for disciplinary reasons during his current commitment.
    - 4. No change.
    - 5. Refused to complete or has an unsatisfactory removal from a substance abuse ~~or academic~~ programs that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules; or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed.
    - 6. No change.

7. A misdemeanor detainer, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines, or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.

(b) In order to be eligible for community release programs ~~an~~ inmates must:

- 1. Be ~~in~~ community custody.
- 2. through 3. No change.
- 4. ~~For inmates~~ Inmates with non-advanceable dates, ~~must~~ be within 19 months of their tentative release date or presumptive parole release date for CWA ~~or~~ a community-based residential substance abuse program, ~~or pre-work release program~~ or within 14 months of their earliest tentative release date for CWR, or within 28 months of their earliest tentative release date for the residential transition program.
- 5. ~~For inmates~~ Inmates without non-advanceable dates, ~~must~~ be within 28 months of their tentative release date for CWA ~~or~~ a community-based residential substance abuse program, within 19 months of their tentative release date for CWR, or within 36 months of their earliest tentative release date for the residential transition program, or pre-work release program or within 19 months of their tentative release date for CWR.
- 6. No change.
- (3) No change.
- (4) Process for Removal from CWA, Work Release and Community-Based Residential Substance Abuse Programs.
  - (a) No change.
  - (b) The ICT shall approve or disapprove an inmate's termination ~~Upon the termination of an inmate from CWA, work release, or a community-based residential substance abuse program, the Termination Report, Form EF6-009 will be given to the ICT who shall approve or disapprove the termination. Form EF6-009 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 14, 2001.~~
  - (c) through (e) No change.
  - (5) No change.

Rulemaking Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04. 11-25-04, 4-13-06, 10-8-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.: 40B-4.2010  
 RULE TITLE: General Environmental Resource Permits

**PURPOSE AND EFFECT:** The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to incorporate the form 40B-4.2010A Application for Noticed General Permit. The form was previously incorporated by reference in Rule 40B-1.901, F.A.C.; however, recent changes to Section 120.55, Florida Statutes, require that items incorporated by reference shall be incorporated into the corresponding rule. In addition, the rule contains a list of documents with “best management practices”, which shall be incorporated by reference into this rule and the language will be revised in accordance with review by Joint Administrative Procedures Committee. The effect of the proposed rule amendments will be to correct the location of the form in the rules and provide for a simplified and updated version of the form.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will correct the location of the form in the rules and provide for a simplified and updated version of the form, and new documents will be incorporated by reference.

**RULEMAKING AUTHORITY:** 373.044, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-400.046	Formal Determinations
40B-400.051	Exemptions

**PURPOSE AND EFFECT:** The purpose of the rule development is to update Rule 40B-400.046, Florida Administrative Code, to incorporate the form 40B-400.046A Petition for a Formal Wetland and Surface Water Determination. The form was previously incorporated by reference in Rule 40B-1.901, F.A.C.; however, recent changes to Section 120.55, Florida Statutes, require that items incorporated by reference shall be incorporated into the corresponding rule. In addition, the rule language will be

updated in accordance with review by Joint Administrative Procedures Committee. Rule 40B-400.041, F.A.C., will also be amended to maintain consistency with Florida Statutes. The effect of the proposed rule amendments will be to correct the location of the form in the rules and provide for a simplified and updated version of the form, as well as maintain consistency with Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will correct the location of the form in the rules and provide for a simplified and updated version of the form, and amend the rule to maintain consistency with Section 403.813(1)(i), Florida Statutes, regarding the exemption for construction of private docks that are 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.118 FS.

**LAW IMPLEMENTED:** 373.118, 373.413, 373.416, 373.426 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40D-1.659	Forms and Instructions

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to list a newly adopted Water Use Permit Application Form – Mining and Dewatering, Form No. LEG-R.032.01 (5/09), which is incorporated by reference in paragraph 40D-2.101(2)(d), F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Permit Application Forms.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.149, 373.171, 373.337 FS.

**LAW IMPLEMENTED:** 373.0831(3), 373.116, 373.196(1), 373.1961(3), 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, 668.50 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: Barbara Martinez, Sr., Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.1020	Timeframe for Providing Requested Information
40D-1.1024	Processing Procedures for Noticed General Permits Under Chapter 40D-400, F.A.C
40D-1.603	Permit Application Procedures
40D-1.605	Content of Application
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to revise and update District rules for the processing of permit applications. Timeframes for providing additional information to make applications complete will be revised to allow applicants 90 days instead of 30 days to respond to staff requests for additional or clarifying information. A new Applicant Transmittal Form is proposed for use in submitting additional information in support of a permit application. A process allowing for staff issuance of notices of proposed agency action for denial is proposed to be used for incomplete permit applications. Minor amendments are made to improve clarity and eliminate unnecessary language. An outdated rule is repealed. Two rules are transferred and renumbered. The overall effects will be to make District permit application processing procedures more consistent with other water management districts, better organize permit processing rules within Part VI of Chapter 40D-1, F.A.C., and improve permit processing procedures.

**SUBJECT AREA TO BE ADDRESSED:** Permitting Procedures.

**RULEMAKING AUTHORITY:** 120.54(5), 120.60(4), 373.044, 373.113, 373.116, 373.118, 373.229, 373.413, 373.4135, 373.4136, 373.414 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-13.051	Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule
59G-13.052	Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies

**PURPOSE AND EFFECT:** The purpose of Rule 59G-13.051, F.A.C., is to incorporate by reference the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.052, F.A.C., is to incorporate by reference in rule the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

**SUBJECT AREA TO BE ADDRESSED:** Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule and the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.  
 LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: Tuesday, June 16, 2009, 2:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7349, schultzc@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.051 Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New \_\_\_\_\_.

59G-13.052 Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal

agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-13.086	Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.086, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009. The effect will be to incorporate by reference in rule the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: Tuesday, June 16, 2009, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.086 Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Developmental Disabilities waiver services providers enrolled in the Medicaid program.

(2) All Developmental Disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009, which are incorporated by reference. The Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-13.101	Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule
59G-13.102	Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.101, F.A.C., is to incorporate by reference the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.102, F.A.C., is to incorporate by reference in rule the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

SUBJECT AREA TO BE ADDRESSED: Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule and the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: Tuesday, June 16, 2009, 2:00 p.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kelly Hensley, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-4464, [hensleyk@ahca.myflorida.com](mailto:hensleyk@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.101 Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Familial Dysautonomia waiver services providers enrolled in the Medicaid program.

(2) All Familial Dysautonomia waiver services providers enrolled in the Medicaid program must be in compliance with the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New \_\_\_\_\_.

59G-13.102 Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Familial Dysautonomia waiver services providers enrolled in the Medicaid program.

(2) All Familial Dysautonomia waiver services providers enrolled in the Medicaid program must be in compliance with the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-13.111	Project AIDS Care Waiver Services Procedure Codes and Fee Schedule
59G-13.112	Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

**PURPOSE AND EFFECT:** The purpose of Rule 59G-13.111, F.A.C., is to incorporate by reference the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.112, F.A.C., is to incorporate by reference in rule the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

**SUBJECT AREA TO BE ADDRESSED:** Project AIDS Care Waiver Services Procedure Codes and Fee Schedule and the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.906, 409.908, 409.912 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:** Tuesday, June 16, 2009, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Brenda Jones-Garrett, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-2769, garrettb@ahca.myflorida.com

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

59G-13.111 Project AIDS Care Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History–New \_\_\_\_\_.

59G-13.112 Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Telecommunications**

RULE NO.:	RULE TITLE:
60FF-5.001	Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers

**PURPOSE AND EFFECT:** The Board proposes to promulgate and adopt the new rule to clarify the requirements and procedures for reimbursement for actual cost incurred to provide 911 or E911 services.

**SUBJECT AREA TO BE ADDRESSED:** Requirements and procedures for reimbursement of actual cost for 911 or E911 services.

**RULEMAKING AUTHORITY:** 365.172(6)(a)12., 365.173(2)(b) FS.

**LAW IMPLEMENTED:** 365.173(2)(b) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Division of Telecommunications

RULE NO.:                   RULE TITLE:  
60FF-5.002               Rural County Grants

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language to clarify the qualifications and procedures for the E911 rural county grant program.

SUBJECT AREA TO BE ADDRESSED: Rural county grants.

RULEMAKING AUTHORITY: 465.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Division of Telecommunications

RULE NO.:                   RULE TITLE:  
60FF-5.005               Emergency Grants

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify the requirements and procedures for emergency grants.

SUBJECT AREA TO BE ADDRESSED: Emergency grants.

RULEMAKING AUTHORITY: 365.172(6)(a)11., 365.173(2)(g) FS.

LAW IMPLEMENTED: 365.173(2)(g) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:                   RULE TITLE:  
64B4-4.002               Application, Examination and Initial Active Status License Fee for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify that the examination fee is established by and paid to the testing agency.

SUBJECT AREA TO BE ADDRESSED: Application, Examination and Initial Active Status License Fee for Licensure by Examination.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.:	RULE TITLE:
64B4-21.007	Definition of “a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMFT qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Coursework required to serve as a LMFT qualified supervisor.

RULEMAKING AUTHORITY: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(6) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.:	RULE TITLE:
64B4-31.007	Definition of a “Licensed Mental Health Counselor or the Equivalent, Who is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMHC qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Coursework required to serve as a LMHC qualified supervisor.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(4)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:	RULE TITLE:
64B16-26.103	Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in this rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

RULEMAKING AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
69J-10.001	Get Lean

PURPOSE AND EFFECT: Section 17.325(1), F.S., requires the Chief Financial Officer (“CFO”) to establish a “Get Lean” telephone hotline to receive information or suggestions from citizens of the state on how to improve the operation of government, increase government efficiency, and eliminate waste in government. Section 17.325(3), F.S., requires the affected agency to conduct a preliminary evaluation of any

suggestion and provide a response to the CFO. Section 17.30, F.S., allows the CFO to disseminate, in any form or manner she considers appropriate, information regarding the CFO's official duties. The Division of Consumer Services has set up a "Get Lean Florida" website where citizens can also submit their suggestions.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule will allow citizens to submit suggestions either through the "Get Lean" telephone hotline or the "Get Lean Florida" website. The proposed rule will allow the CFO to email the suggestions to an agency contact person together with the secured website address where the agency can provide the CFO with a response. The proposed rule will require each suggestion to be evaluated by the agency to determine whether: (a) it was properly assigned; (b) it has merit; (c) it is practical to implement; (d) it will be implemented; and (e) there are any cost savings.

**RULEMAKING AUTHORITY:** 17.29, 17.325(5) FS.

**LAW IMPLEMENTED:** 17.001, 17.30, 17.325 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:** June 15, 2009, 2:00 p.m.

**PLACE:** Room 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: Tom Terfinko at (850)413-5802 or Tom.Terfinko@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Tom Terfinko, Assistant Director, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320; (850)413-5802 or Tom.Terfinko@myfloridacfo.com.

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE NOS.:

2A-5.005

RULE TITLES:

Minimum Safety Standards for  
Convenience Businesses

2A-5.010 Procedure for Employee Curriculum Approval

2A-5.011 Enforcement

**PURPOSE AND EFFECT:** The proposed rule amendments and rule repeal are intended to update the rules to reflect changes in the convenience store industry and to remove outdated language.

**SUMMARY:** The proposed amendment to Rule 2A-5.005, F.A.C., deletes outdated language in the rule. Rule 2A-5.010, F.A.C., is being repealed since the rule is no longer necessary. The amendment to Rule 2A-5.011, F.A.C., updates the inspection form and the voluntary compliance agreement.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The following is a summary of the Statement of Estimated Regulatory Costs:

1. The proposed change will require C-Store owners to maintain the security camera system in working condition so that images are recorded in the proper format. Training curriculums for employees of C-Stores will no longer be approved by the Department of Legal Affairs.
2. Approximately 10,000 C-Stores in the state are potentially affected by the rule changes.
3. The rule changes will not require any governmental entity to incur additional costs or receive additional revenues.
4. No transaction costs will be incurred by any person or entity as a result of the rule change. The rule formalizes changes that have already taken place.
5. The Department believes the impact of the rule will be to allow for changes in technology that have already occurred, and that those changes will continue to assist law enforcement in identifying criminals who try to rob C-Stores.

The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, at the address listed below.

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:** 812.176 FS.

**LAW IMPLEMENTED:** 120.57, 812.173, 812.174 812.175 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 RULES IS:** Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

**THE FULL TEXT OF THE PROPOSED RULES IS:**