

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF LEGAL AFFAIRS**

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

RULE NO.: 2A-8.005  
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Benefits to be paid beginning July 1, 2012.

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE NO.: 5L-1.003  
 RULE TITLE: Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: These amendments propose to reclassify the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. This amendment further proposes to make a minor change to the boundary of three shellfish areas. The effect would be to increase the acres available to shell fishing and to decrease the number of days the areas would be closed statewide.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

Likewise, the refining of the boundary in shellfish area 16 is also in accordance with Rule 5L-1.003, F.A.C. The goal of the Division of Aquaculture is to maximize the amount of shellfish harvesting waters available and to maximize the times those waters will be in the open status while continuing to protect the public health.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, Suite 501, Tallahassee, Florida 32301, Phone: (850)488-4033

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0981  
 RULE TITLE: Provider Approval for Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of this rule development is to identify necessary revisions to conform with changes made by the 2012 Legislature to Section 1002.45, Florida Statutes, adding a new provider qualification to perform an annual financial audit. In addition, the application instructions relating to public disclosure of specified information by providers and for the submission of a curriculum plan and student learning gains will be revised. The effect will be a rule aligned with current statutes.

SUBJECT AREA TO BE ADDRESSED: School district virtual instruction program and qualifications for potential virtual instruction providers.

RULEMAKING AUTHORITY: 1002.45(11) FS.

LAW IMPLEMENTED: 1002.45 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: Sally Roberts, Educational Policy Consultant, K-12 Public Schools,

325 W. Gaines St., Suite 1501, Tallahassee, FL 32399-0400, (850)245-9617. To submit a comment or request a rule development, go to: <https://app1.fldoe.org/rules/default.aspx>  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.001  
 RULE TITLE: Personnel – General  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update organizational chart titles for community corrections staff.  
 SUBJECT AREA TO BE ADDRESSED: Personnel.  
 RULEMAKING AUTHORITY: 20.315, 044.09 FS.  
 LAW IMPLEMENTED: 790.001(8), 944.09, 944.14 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: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-208.001 Personnel – General.
- (1) Designation as Law Enforcement Officers.
  - (a) The following officers and employees of the Department of Corrections are designated as law enforcement officers: Secretary; Deputy Secretary; Assistant Secretary of Institutions; Deputy Assistant Secretary of Institutions; Regional Directors; Correctional Security Administrator; wardens of all institutions and community facilities; the staff of all institutions and community facilities, including road prisons, vocational centers, community correctional centers, women’s adjustment centers and probation and restitution centers, excluding clerical and secretarial employees; Probation and Parole Regional ~~Directors Administrators~~; ~~Circuit Correctional Probation Administrators~~, Supervisors and Officers; Inspector General; Deputy Inspector General; and Correctional Inspectors.
  - (b) through (5) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 790.001(8), 944.09, 944.14 FS. History–New 10-8-76, Amended 2-17-77, Formerly 33-4.01, Amended 7-12-86, 6-13-88, Formerly 33-4.001, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-401.105  
 RULE TITLE: Refusal of Health Care Services  
 PURPOSE AND EFFECT: The rule is amended to include psychologists among the clinicians who are authorized to sign Form DC4-711A, Refusal of Health Care Services, before the form is entered into the inmate’s medical record.  
 SUBJECT AREA TO BE ADDRESSED: Health Care Services.  
 RULEMAKING AUTHORITY: 944.09, 945.6034 FS.  
 LAW IMPLEMENTED: 944.09, 766.103, 945.6034 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-401.105 Refusal of Health Care Services.
  - (1) Definitions.
    - (a) Provider – a mental or physical health physician, psychologist, clinical associate, or dentist.
    - (b) Refusal – an inmate-initiated decision to decline a procedure or treatment that a health care provider has indicated is medically necessary.
  - (2) It is the responsibility of the provider ordering a particular procedure or treatment to explain to the inmate at the time the initial order is written the:
    - (a) Diagnosis;
    - (b) Nature and purpose of the procedure or treatment;
    - (c) Risks and benefits involved in the proposed treatment or procedures; and
    - (d) Alternative treatments or procedures.
  - (3) Documentation of refusal of treatment or procedure.
    - (a) If an inmate refuses an aspect of health care services other than medication, which is addressed in subsection (4), the inmate shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation “patient refuses to sign” will be entered and witnessed by two staff members. Form DC4-711A is hereby incorporated by reference ~~in subsection (7) of this rule~~. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 11-28-10.
    - (b) If an inmate is being transferred to another facility for medical treatment and indicates prior to departing that he or she will refuse the treatment, the provider at the receiving

facility shall be contacted. The provider at the sending facility shall advise the inmate of the risks associated with not receiving recommended treatment. If the inmate still refuses, he or she will be returned to health services to sign Form DC4-711A, Refusal of Health Care Services, and a follow-up visit shall be scheduled to assess if the treatment should be pursued.

(c) A note documenting the date and time of a refusal and stating “refusal signed for (inmate’s name and DC#)” shall be made on the chronological record of health care located in the inmate’s health record.

(d) Prior to inserting Form DC4-711A, Refusal of Health Care Services, into the inmate’s health record, it will be reviewed, initialed, and dated by a provider. This review will be documented on the inmate’s chronological record of health care.

(e) Refusal of dental services will be documented by dental health staff on Form DC4-724, Dental Treatment Record, and Form DC4-711A, Refusal of Health Care Services. Form DC4-724 is hereby incorporated by reference ~~in subsection (7) of this rule. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 11-28-10.~~

(f) Refusal of mental health services will be documented on Form DC4-711A, Refusal of Health Care Services.

(g) Completed Forms DC4-711A and DC4-724 shall be placed in the inmate’s health record.

(4) Medication Refusal.

(a) Inmates may verbally refuse a dose of medication upon presenting to the medication window.

(b) An inmate who has refused either three consecutive doses of medication or five doses over the course of a month shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation “patient refuses to sign” will be entered and witnessed by two staff members. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(c) If an inmate states that he will refuse all further doses of a prescribed medication, Form DC4-711A, Refusal of Health Care Services, shall be completed and must be signed by the inmate. If the inmate refuses to sign the form, the notation “patient refuses to sign” will be entered and witnessed by two staff members. The inmate will no longer be required to report to the medication window for the purpose of taking the refused medication. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(5) An inmate may not refuse admission to the infirmary, isolation management (medical or mental health), transitional care, or crisis stabilization, as these are institutional housing assignments. The inmate may refuse all medical care while in these housing assignments, but the above-outlined process for refusal of medical treatment shall be followed.

(6) An inmate’s refusal of health care services cancels a specific order, treatment, or procedure. A new order will be necessary to initiate a treatment or procedure that has been refused.

~~(7) The following forms are hereby incorporated by reference. A copy of these forms is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(a) Form DC4-711A, Refusal of Health Care Services, effective, 11-28-10.~~

~~(b) Form DC4-724, Dental Treatment Record, effective, 11-28-10.~~

Rulemaking Authority 944.09, 945.6034 FS. Law Implemented 944.09, 766.103, 945.6034 FS. History–New 11-28-10, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-601.718	Review of Request for Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Form DC6-111D to allow conformity between the form and the rule, clarify that it is a conviction, not just an incarceration, that leads to a denial of visiting privileges, and add a signature line for administrative purposes.

SUBJECT AREA TO BE ADDRESSED: Classification and Central Records.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.718 Review of Request for Visiting Privileges.

In approving or disapproving visiting privileges, assigned institutional classification officer shall review Form DC6-111A, Request for Visiting Privileges, and shall consider all factors related to the security, order, or effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.715, F.A.C.

(1) Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions and adjudications withheld combined with the person’s relationship to the inmate shall affect approval or disapproval.

(2) The assigned institutional classification officer staff shall evaluate a person’s criminal history and visiting background using Form DC6-111D, Visitor Screening Matrix. Form DC6-111D is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01038>. The effective date of this form is March, 2012.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 9-29-03, 3-22-12, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
58A-5.0131	Definitions
58A-5.014	License Application, Change of Ownership, and Provisional Licenses
58A-5.015	License Renewal and Conditional Licenses
58A-5.016	License Requirements
58A-5.0161	Inspection Responsibilities
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0185	Medication Practices
58A-5.0186	Do Not Resuscitate Orders (DNROs)
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.020	Food Service Standards
58A-5.021	Fiscal Standards
58A-5.023	Physical Plant Standards
58A-5.024	Records
58A-5.0241	Adverse Incident Report
58A-5.0242	Liability Claim Report
58A-5.025	Resident Contracts
58A-5.026	Emergency Management
58A-5.029	Limited Mental Health
58A-5.030	Extended Congregate Care Services
58A-5.031	Limited Nursing Services
58A-5.033	Administrative Enforcement

**PURPOSE AND EFFECT:** The Department of Elder Affairs, in consultation with the Agency for Health Care Administration, the Department of Children and Families, and

the Department of Health, announces the convening of a negotiated rulemaking proceeding addressing assisted living facility regulation. The purpose of the negotiated rulemaking is to draft mutually acceptable proposed rules addressing the safety and quality of services and care provided to residents within assisted living facilities while being mindful of unnecessary increases in regulation given the many variations in services provided, the number of residents or size of the facility, and the makeup of resident populations in the facilities.

**SUBJECT AREA TO BE ADDRESSED:** The subject and scope of the rules to be developed through negotiated rulemaking will address the following areas: Educational Requirements, Training, and Competency Exams for Administrators and Managers; Training for Staff; Core Trainers; Training Accessibility; Data Collection; Medication practices; Emergency management; Licensing and services provided for limited nursing services, limited mental health, and extended congregate care designations; Deletion of duplicative rules; and, Revision of rules as needed based on legislative changes.

**RULEMAKING AUTHORITY:** 429.178, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.41, 429.42, 429.44, 429.52, 429.54 FS.

**LAW IMPLEMENTED:** Part I, Assisted Living Facilities, Chapter 429, Florida Statutes, with specific sections to be determined during the negotiated rulemaking.

**NEGOTIATED RULEMAKING COMMITTEE:** The negotiated rulemaking committee members have been selected from various representative groups that have been invited to participate in the negotiated rulemaking process. The rulemaking committee members are as follows:

- |   |   |
|---|---|
| 1. Robert Anderson<br>Director, Adult Protective Services<br>Dept. of Children and Families<br>1317 Winewood Boulevard<br>Building 6, Floor 3<br>Tallahassee, FL 32399<br>(850)414-7863                 | 2. C. Anne Avery, RN, LNC<br>Bureau of Field Operations<br>Agency for Health Care<br>Administration<br>2727 Mahan Drive<br>Tallahassee, FL 32308<br>(850)412-4505 |
| 3. Jackie Beck<br>Chief, Adult Mental Health<br>Dept. of Children and Families<br>Mental Health Program Office<br>1317 Winewood Boulevard<br>Building 6, #287<br>Tallahassee, FL 32399<br>(850)717-4325 | 4. Carol Berkowitz, Esq.<br>Sr. Director, Regulatory and<br>Legal Affairs<br>LeadingAge Florida<br>1812 Riggins Road<br>Tallahassee, FL 32308<br>(850)702-0309    |
| 5. John Bixler, RN<br>Chief, Emergency Medical Services<br>Dept. of Health<br>Emergency Medical Operations<br>4025 Esplanade Way, Bin #C28<br>Tallahassee, FL 32399-1746<br>(850)245-4053               | 6. Jim Crochet<br>State Long-Term Care<br>Ombudsman<br>Dept. of Elder Affairs<br>4040 Esplanade Way<br>Tallahassee, FL 32399<br>(850)414-2331                     |

- |  |  |
|--|--|
| <p>7. Alberta Granger<br/>Director, Professional Development<br/>Florida Assisted Living Association<br/>2447 Millcreek Court, Ste. 3<br/>Tallahassee, FL 32308<br/>(850)383-1159</p>  | <p>8. Lee Ann Griffin<br/>Director, Quality and Regulatory<br/>Services<br/>Florida Health Care Association<br/>P.O. Box 1459<br/>Tallahassee, FL 32302-1459<br/>(850)224-3907</p> |
| <p>9. Shad Haston, Esq.<br/>Unit Manager, Assisted Living Unit<br/>Bureau of Long-Term Care Services<br/>Agency for Health Care Administration<br/>2727 Mahan Drive, Mail Stop #30<br/>Tallahassee, FL 32308<br/>(850)412-3645</p> | <p>10. Teresa Jackson, MSW<br/>Certified Geriatric Care Manager<br/>Aging Care Advocates<br/>101 American Center Place<br/>Suite 210<br/>Tampa, FL 33619<br/>(813)246-4120</p>     |
| <p>11. Gail Matillo<br/>Director, Elder Housing Unit<br/>Dept. of Elder Affairs<br/>4040 Esplanade Way<br/>Tallahassee, FL 32399-7000<br/>(850)414-2165</p>  | <p>12. Susan Rice, Esq.<br/>Asst. General Counsel<br/>Dept. of Elder Affairs<br/>4040 Esplanade Way Ste. 315<br/>Tallahassee, FL 32399-7000<br/>(850)414-2113</p>                  |
| <p>13. Mary Romelfanger, RN, MSN<br/>V.P. for Credentialing, Certification Mngmt. Group<br/>Professional Testing, Inc.<br/>7680 Universal Boulevard, Ste. 300<br/>Orlando, FL 32819<br/>(502)445-4154</p>                          |  |

If you believe that your interests are not adequately represented by the committee members listed above, you may apply to participate within 30 days of the date of publication of this notice. Your application must contain the following information: your name, business address, and telephone number; the name of any organization you are representing; a description of the organization or the members of the organization; a description of how the proposed rulemaking proceeding will affect parties that you represent; a statement identifying the reasons why you believe the committee members listed above will not adequately represent your interests; and a statement that you are willing to negotiate in good faith and can attend the scheduled meetings. Please submit your application to: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Email address: [rices@elderaffairs.org](mailto:rices@elderaffairs.org).

**NEGOTIATED RULEMAKING COMMITTEE MEETINGS:**  
The work of the negotiated rulemaking committee shall be completed by August 15, 2012. The committee shall meet at the following dates, times, and places to discuss rule development:

June 5, 9:00 a.m. – 4:00 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399

June 12, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399

June 26, 9:00 a.m. – 3:30 p.m., Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

The following meeting dates are tentative; any changes will be noticed:

July 10, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399

July 17, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399

August 7, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, 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 72 hours before the workshop/meeting by contacting: Demetria Ross, Dept. of Elder Affairs, (850)414-2114, [rossd@elderaffairs.org](mailto:rossd@elderaffairs.org). 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: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2113, Email address: [rices@elderaffairs.org](mailto:rices@elderaffairs.org)

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-1.020  
 RULE TITLE: Definition of County of Residence  
 PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.020, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S. This will result in improvements to the Medicaid County billing process.

SUBJECT AREA TO BE ADDRESSED: Definition of County of Residence.

Implementation guidelines for Medicaid County billing process per Section 409.915, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.915 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, June 1, 2012, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by

contacting: Debbie Smith at the Division of Operations, (850)412-3811. 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: Tonya Kidd, Deputy Secretary of Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: [tonya.kidd@ahca.myflorida.com](mailto:tonya.kidd@ahca.myflorida.com). When available a preliminary rule text will be posted at <http://ahca.myflorida.com/Medicaid/CountyBilling/index.shtm> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-1.025  
 RULE TITLE: Medicaid County Billing

PURPOSE AND EFFECT: The purpose of new Rule 59G-1.025, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S. This will result in improvements to the Medicaid County billing process.

SUBJECT AREA TO BE ADDRESSED: Medicaid County Billing.

Implementation guidelines for Medicaid County billing process per Section 409.915, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.915 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, June 1, 2012, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Debbie Smith at the Division of Operations, (850)412-3811. 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: Tonya Kidd, Deputy Secretary for Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: [tonya.kidd@ahca.myflorida.com](mailto:tonya.kidd@ahca.myflorida.com).

When available a preliminary rule text will be posted at <http://ahca.myflorida.com/Medicaid/CountyBilling/index.shtm> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus (CDC+) Program in response to Legislative mandates per the Appropriations Act, adding 2,500 Developmental Disabilities Waivers consumers to the program by July 1, 2010. This will include guidelines specific to the Developmental Disabilities Medicaid Waivers CDC + Program such as definitions, rules, responsibilities, coverage, limitations and reimbursement.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-13.088, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.221 FS.

LAW IMPLEMENTED: 409.221, 409.902, 409.907, 409.908, 409.912, 409.913 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, May 29, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Danielle Reatherford at the Bureau of Medicaid Services, (850)412-4263. 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 IS: Danielle Reatherford, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4263, e-mail: [danielle.reatherford@ahca.myflorida.com](mailto:danielle.reatherford@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.088 Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program. Individuals enrolled in the Developmental Disabilities Medicaid Waivers Program for Consumer Directed Care Plus, along with all program representatives, consultants, employees, vendors, and Agency for Persons with Disabilities staff must be in compliance with the Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook, July, 2012, which is incorporated by reference.

Rulemaking Authority 409.221 FS. Law Implemented 409.221, 409.902, 409.907, 409.908, 409.912, 409.913 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-12.005  
 RULE TITLE: Biennial Renewal Fee/Initial Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the biennial renewal fee and the initial licensure fee.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee/Initial Licensure Fee.

RULEMAKING AUTHORITY: 456.013(2), 456.025, 460.406, 460.407 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 460.407 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: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.005 Biennial Renewal Fee/Initial Licensure Fee.

(1) The fee for biennial renewal of a chiropractic license shall be three hundred and fifty dollars (\$350.00) ~~500.00~~.

(2) The initial licensure fee shall be three hundred ~~and fifty~~ dollars (\$300.00 ~~350.00~~).

Rulemaking Specific Authority 456.013(2), 456.025, 460.406, 460.407 FS. Law Implemented 456.013(2), 456.025, 460.407 FS. History—New 1-10-80, Amended 10-25-83, Formerly 21D-12.05, Amended 1-28-87, 12-31-89, 10-15-92, Formerly 21D-12.005, 61F2-12.005, 59N-12.005, Amended 11-4-98, 5-24-01, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0135  
 RULE TITLE: Dental Hygiene Examination

PURPOSE AND EFFECT: Comprehensive review and analysis to upgrade rule and to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.

RULEMAKING AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-2.014  
 RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

PURPOSE AND EFFECT: To make non-substantive revisions and to incorporate the changes made by Chapter 2012-14, Laws of Florida, which impacts dental hygiene licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 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: Susan

Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-7.003                      RULE TITLE: Permit Requirements for Dental Interns and Residents

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference the application necessary to be completed.

SUBJECT AREA TO BE ADDRESSED: Permit Requirements for Dental Interns and Residents.

RULEMAKING AUTHORITY: 466.004(4), 466.025 FS.

LAW IMPLEMENTED: 466.025 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-7.0035                      RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference the application necessary to be completed.

SUBJECT AREA TO BE ADDRESSED: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.017(4), 466.025 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: Susan Foster, Executive Director

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-7.005                      RULE TITLE: Teaching Permits

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Dental Hygiene Examination.

RULEMAKING AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-7.007                      RULE TITLE: Limited License as Allowed in Section 456.015, F.S.

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate the application fee and update the form revision date.

SUBJECT AREA TO BE ADDRESSED: Limited License as Allowed in Section 456.015, F.S.

RULEMAKING AUTHORITY: 466.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-14.001  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To add the definition of Qualified Anesthetist and Certified Registered Dental Hygienist for purposes of implementing §466.002(3) and Ch. 2012-14, §3, Laws of Fla. (permitting the administration by properly credential hygienists.)

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 466.004(4) 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-14.002  
 RULE TITLE: Prohibitions

PURPOSE AND EFFECT: Update the rule to comply with.

SUBJECT AREA TO BE ADDRESSED: Prohibitions.

RULEMAKING AUTHORITY: 466.004(4) 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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: Susan

Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-14.003  
 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: Complete review of the rule for implementing SB 1040, Ch. 2012-14, §3, P. 4-5, Laws of Fla., which allows for the administration of local anesthesia by a properly credentialed dental hygienist.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3), 466.017(6) FS.

LAW IMPLEMENTED: 466.017(3), 466.017(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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-14.006  
 RULE TITLE: Reporting Adverse Occurrences

PURPOSE AND EFFECT: To add reporting requirements for dental hygienists that are properly credentialed to administer local anesthesia and to review other necessary changes for reporting requirements.

SUBJECT AREA TO BE ADDRESSED: Reporting Adverse Occurrences.

RULEMAKING AUTHORITY: 466.017(3), 466.017(6) FS.

LAW IMPLEMENTED: 466.017(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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry**

RULE NO.: 64B5-16.006  
 RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.

RULEMAKING AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: 73B-20.001  
 RULE TITLE: Applicability

PURPOSE AND EFFECT: The purpose of this rule amendment is to simplify the rule.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(a), (b), (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.001 Applicability.

These rules shall govern all ~~unemployment compensation proceedings conducted by appeals referees. These rules in whole or part shall also govern all other~~ proceedings conducted by appeals referees unless specifically provided otherwise by state or federal law or regulation.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Formerly 38E-5.01, 38E-5.001, 60BB-5.001, Amended

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: 73B-20.003  
 RULE TITLE: Form of Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate form DEO-A100 in three languages by reference; to direct the public to the Department's website to obtain the form; to remove language that conflicts with other proposed amendments to Department rules; and to add the employer tax account number to requested information to be included in the notice of appeal.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.003 Form of Appeal.

(1) No change.

(2) Any person entitled to file an appeal may obtain an an printed appeal form (DEO-A100(E) AWI-A100 (English), Notice of Appeal), (Rev. 07/12 4/04); DEO-A100(S) (Spanish), Aviso de Apelación – español (Rev. 07/12); DEO-A100(C) (Creole), Objeksyon pou Dedomajman Travay – kreyòl (Rev. 07/12)), incorporated herein by reference, available at the Department’s website, <http://www.floridajobs.org/office-directory/division-of-workforce-services/unemployment-programs/unemployment-compensation-forms-directory> at any of the locations listed in subsections 73B-20.004(1), (2), and (3), F.A.C., and at any location providing unemployment claim information. Use of the form is not mandatory; however, whatever instrument is used, it should shall include the following information:

- (a) No change.
  - (b) The name and tax account number of each employer, if any, involved;
  - (c) No change.
  - (d) A concise brief statement of the reasons for disagreement with the determination.
- (3) Failure to include all of the information listed in subsection (2) will not constitute cause for rejection of the appeal, but may result in ~~unnecessary~~ delay in processing the appeal and scheduling it for hearing.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-5.03, Amended 8-20-86, 8-7-01, Formerly 38E-5.003, 60BB-5.003, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-20.004                   Filing an Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate the Department’s electronic filing website by reference and to clarify where and by what method an appeal may be filed.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.  
LAW IMPLEMENTED: 443.151(4)(b)1., (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.004 Place for Filing an Appeal.

Appeals may be filed on-line at the Department of Economic Opportunity website at [https://iap.floridajobs.org/IAP\\_INTER/process.asp](https://iap.floridajobs.org/IAP_INTER/process.asp) Internet Appeals Program (2012) or by clicking on the Bienvenidos al Proceso de Apelaciones por Internet (Spanish Version) (2012), or by clicking on the Klike la a to view sit entenet sa a an kreyol (Creole Version) (2012) which are incorporated by reference herein, or at ~~one of the following locations:~~

- ~~(1) Any of the unemployment claim adjudication offices operated by the Department of Economic Opportunity;~~
- ~~(1)(2) By fax, courier service, in person, or mail to tThe central Office of Appeals (Caldwell Building MSC 347, 107 East Madison Street, Tallahassee, FL 32399-4143, facsimile number (850)921-3524), or district appeals referee offices maintained by the Office of Appeals;~~
- ~~(2) By fax, courier service, in person, or mail to the Reemployment Assistance Appeals Commission.~~
- ~~(3) The Unemployment Appeals Commission; and~~
- ~~(4) Any unemployment compensation office located outside the State of Florida.~~

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b)1., (d) FS. History–New 5-22-80, Formerly 38E-5.04, Amended 8-20-86, 8-7-01, Formerly 38E-5.004, 60BB-5.004, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-20.005                   Time for Filing Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to remove language that duplicates Rule 73B-20.004, F.A.C.; to include the future Connect System for delivery of determinations; and to clarify the effective dates of filing.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.  
LAW IMPLEMENTED: 443.151(3)(a), (4)(b)1., (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.005 Time for Filing Appeal.

(1) The appeal shall be filed within 20 calendar days of the date the determination or redetermination was mailed to the appellant's last known address or made available electronically through a Department-approved electronic account, or, in the absence of mailing or electronic delivery, the date of other delivery to the appellant.

~~(2) The appeal shall be filed by mailing the appeal document to any of the locations designated in Rule 73B-20.004, F.A.C.; by facsimile transmission of the appeal document to any location designated in subsections 73B-20.004(1), (2), and (3), F.A.C.; or by hand delivery of the appeal document to any location designated in subsections 73B-20.004(2), (3), and (4), F.A.C.~~

~~(2)(3) Appeals filed by mail are shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery, courier service or facsimile are shall be considered to have been filed when date stamped received at an the authorized location. Appeals filed electronically are filed on the date the confirmation number is issued by the system.~~

~~(3)(4) Upon receipt of Aan appeal delivered in person or by facsimile transmission will be date stamped by a; the Commission or; Department of Economic Opportunity, or Office of Appeals employee on the date hand delivered or the date placed on the document by the Department or Commission fax system shall record the date of receipt on the appeal document. The Internet filing system shall post on the appeal the date the confirmation number is issued and the appeal was successfully received by the system.~~

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(3)(a), (4)(b)1., (d) FS. History--New 5-22-80, Formerly 38E-5.05, Amended 8-20-86, 3-1-98, 8-7-01, Formerly 38E-5.005, 60BB-5.005, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                    RULE TITLE:  
73B-20.006                    Computation of Time  
PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify the definition of "holiday" for appeal purposes.  
SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.  
RULEMAKING AUTHORITY: 443.012(11) FS.  
LAW IMPLEMENTED: 443.151(4)(b)1., (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.006 Computation of Time.

- (1) No change.
- (2) For the purpose of this section, "holiday" means:
  - (a) No change.
  - (b) Any ~~other~~ day on which the offices of the Department of Economic Opportunity are closed; and
  - (c) For appeals filed by mail, aAny ~~other~~ day on which the United States Postal Service is closed.

Rulemaking Specific Authority, 443.012(11) FS. Law Implemented 443.151(4)(b)1., (d) FS. History--New 5-22-80, Formerly 38E-5.06, Amended 8-20-86, Formerly 38E-5.006, 60BB-5.006, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                    RULE TITLE:  
73B-20.007                    Late Filing of Appeals  
PURPOSE AND EFFECT: The Department is proposing to amend the rule to reference the order to show cause provision in Section 443.151(4)(b)3., F.S.  
SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.  
RULEMAKING AUTHORITY: 443.012(11) FS.  
LAW IMPLEMENTED: 443.151(3)(a), (4)(b)1., (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.007 Late Filing of Appeals.

(1) If it appears that the appeal initiating the proceedings was not filed within the time allowed by law, the appeals referee shall notify the parties that timeliness of the appeal shall be one of the issues to be considered at the hearing, except as provided in Section 443.151(4)(b)3., F.S.

(2) through (3) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(3)(a), (4)(b)1., (d) FS. History--New 5-22-80, Formerly 38E-5.07, Amended 8-20-86, Formerly 38E-5.007, 60BB-5.007, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: RULE TITLE:  
73B-20.015 Notice of Hearing

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate form DEO-6 in three languages into the rule and to clarify the procedure for delivering the notice of hearing to the Department.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(a), (b), (d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.015 Notice of Hearing.

(1) The appeals referee shall mail notice of the hearing to all parties at least 10 days prior to the date of the hearing. In proceedings to which the Department of Economic Opportunity is a party, the notice shall be directed to the Director of the Division of Workforce Services in Executive Director of the Department of Economic Opportunity or one or more of his or her designees. Whenever practicable, notices to employers shall be mailed to both the employer’s official address of record and to the job site where the claimant was employed. Notices shall also be provided to attorneys and representatives of record.

(2) The notice shall include or be accompanied by:

(a) through (d) No change.

(e) A statement of the rules regarding requests for continuances and subpoenas; ~~and~~

(f) The address of the office to which all motions, requests of other correspondence concerning the hearing should be directed; ~~and-~~

(g) A DEO-6E (Rev. 07/12) Appeals Information pamphlet, DEO-6S (Rev. 07/12) Informacion Sobre Apelaciones, or DEO-6C (Rev. 07/12) Dedomajman pou Chomaj Enfomasyon Apel, incorporated herein by reference and available at the Department’s website, www.floridajobs.org/appeals.

(3) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Amended 11-30-81, 5-22-83, Formerly 38E-5.15, Amended 8-20-86, Formerly 38E-5.015, 60BB-5.015, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: RULE TITLE:  
73B-21.002 Form of Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate by reference the on-line appeal form and the appeal form; to remove duplicative provisions; to include all methods of delivery of appeals; to clarify where an appeal can be filed; and to include language requesting the reasons for the appeal.

SUBJECT AREA TO BE ADDRESSED: Commission Appeal Procedures.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (950)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.002 Form of Appeal.

(1) An appeal of an appeals referee’s decision may be filed on-line at the Department of Economic Opportunity website at <https://www.uac.fl.gov/Appeal.aspx>, Florida Reemployment Assistance Appeals Commission, Review Request (2011) and incorporated herein by reference or at any of the following locations:



**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-21.006               Representation

PURPOSE AND EFFECT: The Department is proposing to amend the rule to include the procedure for requesting attorney fee approval.

SUBJECT AREA TO BE ADDRESSED: Commission Appeal Procedures.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.041(2) FS., 443.151(4)(d) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.006 Representation.

(1) through (3) No change.

(4) A request for approval of a fee to be paid by the claimant, if any fee is charged by a claimant’s representative for services performed before the Commission, shall be in writing and received by the Commission no later than 15 days after the Commission’s order ruling on the case. The request should include a description of the time spent and services rendered in connection with the Commission appeal, and the amount of the proposed fee.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-2.06, Formerly 38E-2.006, 60BB-6.006, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-22.003               Record on Appeal to the Commission

PURPOSE AND EFFECT: To clarify application of the rule to appeals to the Reemployment Assistance Appeals Commission. Also, to conform the rule to name changes to the Department of Economic Opportunity and the Reemployment Assistance Appeals Commission.

SUBJECT AREA TO BE ADDRESSED: Unemployment Appeals Commission or Reemployment Assistance Commission.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) 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: Dorothy S. Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-22.003 Record on Appeal to the Commission.

(1) The contents of the record on appeal to the Commission shall consist only of:

(a) No change.

(b) All ~~department agency~~ memoranda or data submitted to the appeals referee or other hearing officer, provided that such memoranda or data were submitted prior to disposition of the appeal, after notice of the submission to all parties;

(c) through (e) No change.

(f) The notice of docketing of the appeal of the referee’s decision by the ~~Reemployment Assistance Unemployment~~ Appeals Commission, or the order of the Commission removing the proceedings to itself or initiating review upon its own motion;

(g) through (2)(c) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-3.03, Amended 8-20-86, 1-5-93, Formerly 38E-3.003, 60BB-7.003, Amended \_\_\_\_\_.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-22.009               Record on Appeal to the Court

PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify the record on appeal to the Court and to clarify that the rule references the Clerk of the Commission.

SUBJECT AREA TO BE ADDRESSED: Court Appeal Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(c)-(e) 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: Dorothy Johnson, Deputy

General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

Section II  
Proposed Rules

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-22.009 Record on Appeal to the Court.

(1) The contents of the record shall consist only of:

(a) No change.

(b) All additional evidence made a part of the record ~~in pursuant to further proceedings held pursuant to the direction of directed by the Reemployment Assistance Unemployment~~ Appeals Commission;

(c) No change.

(d) The order of the Reemployment Assistance Unemployment Appeals Commission on appeal.

(2) Within 10 days of filing the notice, the appellant may direct the Clerk of the Commission (hereinafter Clerk) to exclude any of the documents or exhibits listed in subsection (1). If the appellant directs the Clerk to transmit less than the entire record, the appellant shall file with such directions a designation of the agency actions to be reviewed. Within 20 days of filing the notice, an appellee may direct the Clerk to include any additional documents or exhibits listed in subsection (1).

(3) Within 10 days of filing of the notice, the appellant shall designate those portions of the proceedings for transcription and inclusion in the record. Within 20 days of filing of the notice, the appellee may designate additional portions of the proceedings. Copies of designations shall be served on the Clerk ~~of the Commission~~ along with a request that the Clerk provide a duplicate of the audio recording of the proceedings for transcription by a court reporter. Within 30 days of a designation, the designating party shall insure that the court reporter shall transcribe and deliver to the Clerk ~~of the Commission~~ the designated proceedings. In the alternative, the designating party may request that the Clerk ~~of the Commission~~ arrange transcription of the designated proceedings by the clerk's staff or other qualified person. The Clerk shall charge parties, other than claimants, no more than the actual costs for duplication of the audio recording of the proceedings or transcription of the proceedings. Costs shall be borne initially by the designating party, subject to taxation of costs as prescribed by Florida Rule of Appellate Procedure 9.400.

(4) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(c)-(e) FS. History--New 5-22-80, Formerly 38E-3.09, Amended 10-5-86, 1-5-93, Formerly 38E-3.009, 60BB-7.009, Amended.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

RULE TITLE:

IS-2.049

Absentee Ballots – Absent Stateside Uniformed Services Voters

PURPOSE AND EFFECT: This rule deals exclusively with the request delivery and return of absentee ballots for absent stateside (but not overseas) uniformed services voters and their dependent children and spouses who are absent from county as a result of that active duty. The proposed revisions are made to the ballot instructions to put in rule what has been codified in law with the new absentee ballot instruction language in Sections 38 and 39 of Chapter 2011-40, Laws of Florida, which became effective May 19, 2011. The new instructions in law put the voter on notice as to what was already the law which says that if a signature on the certificate does not match the signature on record at the time of canvassing, the ballot will not count. The instructions in the rule are also changed to reflect what is now in law that says canvassing of absentee ballots can begin as early as 15 days in lieu of 6 days before election day. The revisions also clarify that a blank absentee ballot can be delivered or transmitted to an absent stateside uniformed services voter via electronic means other than by mail. This conforms to federal law in s. 578 of the Military Overseas Voter Empowerment Act which continues the ongoing efforts of the Uniformed and Overseas Citizens Absentee Voting Act to facilitate such voters timely access and return of absentee ballots.

SUMMARY: Process for requesting, marking, returning, accepting and counting absentee ballots for absent stateside uniformed services voters.

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. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the following, the Agency has determined that the proposed rule will or will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with election-related activities and rules of this