

<b>Section I</b>		12-17.005	Factors Considered by the Department
<b>Notices of Development of Proposed Rules and Negotiated Rulemaking</b>		12-17.006	Procedures
		12-17.007	Form and Execution of Stipulated Time Payment Agreements
<b>DEPARTMENT OF EDUCATION</b>		12-17.008	Terms of Stipulated Time Payment Agreements
<b>State Board of Education</b>		12-17.009	Termination of Agreements
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>	12-17.010	Public Use Forms
6A-6.0901	Definitions Which Apply to Programs for English Language Learners	PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12-17, F.A.C. (Agreements for Scheduling Payments of Liabilities), is to: (1) provide when the provisions of the rule chapter apply to stipulated time payment agreements executed by the Department; (2) clarify the taxes for which the Department will enter into a stipulated time payment agreement for collection of an unpaid liability; (3) update the delegation of authority to execute stipulated time payment agreements with taxpayers to reflect the absorption of the Compliance Support Process by the Refunds and Distribution Process; (4) provide the proposed requirements for taxpayers to enter into stipulated time payment agreements; (5) provide the terms of stipulated time payment agreements; (6) provide that where there is risk to the state regarding the collection of the amount due, additional terms will be included in stipulated time payment agreements; (7) provide that unless a variance or waiver is granted, taxpayers must submit each stipulated time payment to the Department by electronic means; (8) provide when a stipulated time payment agreement will be held in default and the actions the Department will implement when an agreement is held in default; (9) remove obsolete, unnecessary, or redundant provisions; and (10) remove the unnecessary adoption of Form DR-68, Stipulated Time Payment Agreement.	
6A-6.09022	Extension of Services in English for Speakers of Other Languages (ESOL) Program	SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is the proposed rule chapter containing the Department's proposed procedures for taxpayers to pay outstanding liabilities of tax, surtax, surcharge, or fee, associated penalties and interest, and costs of collection through stipulated time payment agreements based on the taxpayer's financial position and the best interests of the state.	
PURPOSE AND EFFECT: The purpose and effect of this rule development is to clarify existing language within the rules.		RULEMAKING AUTHORITY: 20.05(1)(e), 213.06(1), 213.21(5) FS.	
SUBJECT AREA TO BE ADDRESSED: ESOL.		LAW IMPLEMENTED: 90.408, 212.18, 213.015(10), 213.05, 213.21(2), (4), 213.24(3), 213.27, 213.67, 213.69, 213.692, 443.1316, 443.141 FS.	
RULEMAKING AUTHORITY: 1001.02, 1003.56 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:	
LAW IMPLEMENTED: 1003.56, 1011.62 FS.		DATE AND TIME: September 20, 2012, 2:00 p.m.	
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:		PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida	
DATE AND TIME: September 17, 2012, 5:00 p.m. – 7:00 p.m.			
PLACE: The School District of Osceola County, Board Room, 817 Bill Beck Boulevard, Kissimmee, Florida 34744			
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chane Eplin, Bureau Chief, Bureau of Student Achievement through Language Acquisition, Department of Education, Turlington Building, 325 West Gaines St., Room 444, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail <a href="mailto:lynn.abbott@fldoe.org">lynn.abbott@fldoe.org</a> or go to <a href="https://app1.fldoe.org/rules/default.aspx">https://app1.fldoe.org/rules/default.aspx</a>			
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <a href="https://app1.fldoe.org/rules/default.aspx">https://app1.fldoe.org/rules/default.aspx</a> .			
<b>DEPARTMENT OF REVENUE</b>			
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>		
12-17.001	Scope of Rules		
12-17.002	Definitions		
12-17.003	Requirements for Considering Entering into Stipulated Time Payment Agreements		
12-17.004	Delegation of Authority		

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: Tammy Miller at (850)617-8347. 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: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department’s Internet site at myflorida.com/dor/rules.

**DEPARTMENT OF REVENUE**

RULE NOS.:	RULE TITLES:
12-21.001	Scope
12-21.0015	Definitions
12-21.002	Warrant and Instructions for Levy
12-21.005	Seizure of Property Under Jeopardy
12-21.007	Seizure of Property Without Jeopardy
12-21.010	Manner and Conditions of Sale of Property
12-21.040	Satisfaction of Tax Warrants and Liens
12-21.050	Public Use Forms
12-21.201	Scope
12-21.202	Definitions
12-21.203	Notification to Custodians; Custodial Responsibilities
12-21.204	Issuance of Notice of Intent to Levy; Procedures
12-21.205	Departmental Levy on Frozen Assets; Procedures
12-21.208	Withholding of Vendor Payments

**PURPOSE AND EFFECT:** The purpose of the proposed changes to Rule Chapter 12-21, F.A.C., is to: (1) change the title of the rule chapter to “Warrants, Jeopardy, and Post-Warrant Collections,” to reflect the scope of the chapter, as revised; (2) provide in the rule chapter the current procedures used by the Department in warrant, jeopardy, and post-warrant collections situations; (3) eliminate unnecessary references to forms and obsolete provisions; and (4) update and incorporate into the rule chapter applicable provisions of Rule 12A-1.090, F.A.C., Tax Liens, Garnishment and Jeopardy Assessments, which will be repealed.

**PART I – WARRANTS, LIENS, JEOPARDY, AND LEVY, SEIZURE, AND SALE OF PROPERTY**

The purpose of the proposed changes to Part I of Rule Chapter 12-21, F.A.C., Rules 12-21.001 through 12-21.050, F.A.C., is to: (1) change the title of the chapter part to “Warrants, Liens, Jeopardy, and Levy, Seizure, and Sale of Property,” to more accurately reflect the scope of Part I of the chapter; (2) provide that the scope of the rule chapter covers instances in which the Department issues a warrant with regard to any tax it administers; (3) update the delegation of authority granted to Department personnel to issue, satisfy, cancel, or amend warrants and judgement lien certificates, to issue and release jeopardy assessments and related warrants and judgement lien certificates, to issue an execution to a sheriff, and to levy, freeze, or sell a taxpayer’s property; (4) provide definitions of terms applicable to the entire rule chapter; (5) clarify when the Department will issue a warrant and file a judgment lien certificate; (6) update the rule to reflect the current provisions of Chapter 55, F.S. (Judgments), regarding the filing of a judgment lien certificate with the Department of State to obtain a lien upon a taxpayer’s personal property; (7) provide the duration of the Department’s lien; (8) clarify when the Department will consider jeopardy to the revenue to exist, and state what factors the Department will consider in determining whether collection will be jeopardized by delay; (9) provide the notice requirements and review rights with regard to a notice or finding of the facts constituting jeopardy to the revenue, pursuant to Section 213.732, F.S.; (10) repeal as unnecessary Rule 12-21.007, F.A.C., Seizure of Property Without Jeopardy; (11) clarify and update provisions regarding the manner and conditions of sale of taxpayer property; (12) clarify and update provisions regarding satisfaction, cancellation, and amendment of warrants and judgment liens; and (13) repeal the adoption of forms in Rule 12-21.050, F.A.C., Public Use Forms, that do not meet the definition of a “rule” in Section 120.52(15), F.S., as unnecessary.

**PART II – ADMINISTRATIVE GARNISHMENT FOR UNPAID TAXES**

The purpose of the proposed changes to Part II of Rule Chapter 12-21, F.A.C., Rules 12-21.201 through 12-21.208, F.A.C., is to: (1) provide that the scope of Part II of the rule chapter is to implement the provisions of Section 213.67, F.S.; (2) clarify that the Department will exercise the authority to freeze a taxpayer’s assets pursuant to Sections 206.18(4) and 213.758, F.S., at the same time and in the same manner as provided in Section 213.67, F.S., and Part II of this chapter; (3) repeal Rule 12-21.202, F.A.C., Definitions, to eliminate definitions of terms that are provided in Part I of the rule chapter, as amended; (4) update provisions regarding the issuance of a Notice of Freeze to custodians of a delinquent taxpayer’s assets; (5) update provisions regarding the issuance of a Notice of Intent to Levy to delinquent taxpayers; (6) update provisions regarding levying upon a delinquent taxpayer’s assets; and (7) provide procedures for Section 213.67(9), F.S., which

authorizes the Department to withhold and levy upon certain payments by the State scheduled to persons with outstanding tax warrants.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the rule workshop is the updates to the Department’s procedures for issuing tax warrants and jeopardy assessments, and the methods used in post-warrant collections by the Department.

**RULEMAKING AUTHORITY:** 198.08, 199.202, 202.26(3), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 55.10, 55.202, 55.204, 56.27, 95.091, 198.01, 198.20, 198.22, 198.33, 199.262, 201.16, 202.11, 202.33, 202.35, 202.36, 206.01, 206.075, 206.18, 206.97, 206.9835, 206.9915, 211.01, 211.125, 211.33, 212.02, 212.12, 212.14, 212.15, 213.67, 213.69, 213.73, 213.731, 213.732, 213.733, 213.74, 213.75, 213.758, 220.03, 220.813, 220.819, 220.827, 220.829, 336.021, 336.025, 403.718(3)(a), 403.7185(3)(a), 443.131(3)(g), 443.1316, 538.11, 624.5092, 681.117 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:** September 20, 2012, 2:00 p.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 1220, 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 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. 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:** Thomas Butscher, Assistant General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, telephone (850)617-8347

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT:** [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12D-1.002	Definitions
12D-1.009	Mapping Requirements

**PURPOSE AND EFFECT:** The purpose of the rulemaking action for the proposed amendment to Rule 12D-1.002, F.A.C., is to implement a statutory change enacted in Section 1 of Chapter 2012-193, Laws of Florida. The purpose of the

rulemaking action for the proposed amendment to Rule 12D-1.009 is to update and clarify a provision dealing with the property ownership maps property appraisers use to help them identify, assess and value property. The effect of amending Rule 12D-1.002, F.A.C., is to ensure that statutory changes are incorporated into the Department’s rules on a timely basis. The effect of amending Rule 12D-1.009, F.A.C., is that the Department’s rules will reflect the most current procedures used by property appraisers.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the proposed amendment to Rule 12D-1.002, F.A.C., is the definitions of words and phrases used by property appraisers in the procedures they follow when assessing and valuing property. The subject of the proposed amendment to Rule 12D-1.009, F.A.C., is the maps property appraisers use to help them identify, assess and value property.

**RULEMAKING AUTHORITY:** 193.085(2), 195.027(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 192.001, 193.085, 193.461, 195.022, 195.062 FS.

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

**DATE AND TIME:** September 19, 2012, 1:30 p.m.

**PLACE:** Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department’s site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email: [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us)

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12D-6.006  
 RULE TITLE: Fee Time-Share Real Property

PURPOSE AND EFFECT: The purpose of these proposed amendments is to conform definitions contained in this rule to statutory changes. The effect of these proposed rule revisions is to provide property appraisers with better guidance regarding the assessment of fee timeshare properties.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures property appraisers use to assess ad valorem taxes on fee timeshare properties.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 192.037, 193.011, 718.103, 719.103, 721.05, 721.08, 721.13 FS.

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

DATE AND TIME: September 19, 2012, 1:30 p.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us)

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12D-7.0025  
 RULE TITLE: Application for Certain Exemptions Without Required Documentation

PURPOSE AND EFFECT: The purpose of this rulemaking action is to implement statutory changes enacted in Sections 19, 20, 21, 22, 27, and 28 of Chapter 2012-193, Laws of Florida. The effect of creating this rule is that applicants for certain exemptions can be granted exempt status while they await documentation that supports the exempt status.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures taxpayers use to prove they qualify for certain property tax exemptions.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.081, 196.082, 196.091, 196.101, 196.202, 196.24, 197.182, 213.05 FS.

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

DATE AND TIME: September 19, 2012, 1:30 p.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's Internet site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email: [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us)

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12D-8.0065  
 RULE TITLE: Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications

PURPOSE AND EFFECT: This proposed rule implements the procedures of Section 5 of Ch. 2012-193, L.O.F., designating the ownership shares to be attributed to a husband and wife who abandon a homestead property for purposes of determining the assessed value of a newly established homestead under certain circumstances.

SUBJECT AREA TO BE ADDRESSED: The subject areas addressed are transfer of assessment limitation difference or portability process. Rule text is posted on the Department's website at: <http://dor.myflorida.com/dor/property/legislation/>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.114, 193.1142, 193.155, (Chapter 2012-193, LOF 193.703, 194.011 FS).

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

DATE AND TIME: September 19, 2012, 1:30 p.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, [GreenLar@dor.state.fl.us](mailto:GreenLar@dor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program,

Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, [GreenLar@dor.state.fl.us](mailto:GreenLar@dor.state.fl.us)

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**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.005	Duties of the Board
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019, F.A.C., is to implement statutory changes enacted in Sections 2, 11, and 12 of Chapter 2012-193, Laws of Florida. The purpose of the proposed amendments to Rule 12D-9.020, F.A.C., is to implement the Administrative Law Judge's ruling in Rob Turner, Hillsborough County Property Appraiser v. Department of Revenue, DOAH Case No 11-677, Summary Final Order dated June 22, 2011. It was found that the rule contradicts Section 194.011(4)(a), F.S. The effect of amending Rules 12D-9.001, 12D-9.005, and 12D-9.019, F.A.C., is to: recognize a taxpayer's statutory right to request a rescheduled hearing appointment, if their petition is not heard at a value adjustment board (VAB) proceeding within a reasonable time after their originally-scheduled appointment; ensure that taxpayers who petition the VAB receive important information about their scheduled hearing; and, ensure the Department's rules reflect recent statutory changes. The effect of the proposed amendments to Rule 12D-9.020, F.A.C., is to make the rule consistent with the Administrative Law Judge's ruling regarding the exchange of evidence within the VAB hearing process.

SUBJECT AREA TO BE ADDRESSED: The subject of the proposed rule amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019, F.A.C., is the rights granted to petitioners at VAB proceedings; and, the specific procedures used in value adjustment board activities. The subject of the proposed rule amendments to Rule 12D-9.020, F.A.C., is the exchange of evidence process in VAB proceedings.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.022, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 200.069, 213.05 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email: [greenlar@dor.state.fl.us](mailto:greenlar@dor.state.fl.us)

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## DEPARTMENT OF REVENUE

### Property Tax Oversight Program

RULE NO.:                   RULE TITLE:

12D-16.002               Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement provisions from Chapters 2010-147, 2011-182, and 2012-193 Laws of Florida, and to implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUBJECT AREA TO BE ADDRESSED: Revision, creation and repeal of PTO forms to incorporate legislative changes and other technical changes. Draft forms and text of Rule 12D-16.002, F.A.C., is posted on the Department's website at: <http://dor.myflorida.com/dor/property/legislation/>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.081, 196.082, 196.091, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

DATE AND TIME: September 19, 2012, 1:30 p.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation/>.

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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, [GreenLar@dor.state.fl.us](mailto:GreenLar@dor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, [GreenLar@dor.state.fl.us](mailto:GreenLar@dor.state.fl.us)

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

**DEPARTMENT OF TRANSPORTATION**

<p>RULE NOS.:</p> <p>14-94.001</p> <p>14-94.002</p> <p>14-94.003</p>	<p>RULE TITLES:</p> <p>Purpose</p> <p>Definitions</p> <p>Statewide Minimum Level of Service Standards</p>
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PURPOSE AND EFFECT: The proposed rule amendments will repeal Rule Chapter 14-94, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Section 163.3180(10), F.S., which required the Department to adopt rules for the lowest acceptable level of service standards for transportation facilities, was repealed. Local governments will consult with the Department as required by Section 163.3180(5)(h)1., F.S.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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(s) 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 Department’s economic impact analysis, the agency has determined that this rule chapter does not require a SERC. In addition, the agency has determined that the rule(s) will not require legislative ratification pursuant to Section 120.541(3), Florida Statutes.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 163.3180(10), 334.044(2) FS.

LAW IMPLEMENTED: 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61, 339.62, 339.63, 339.64 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: Deanna Hurt, Esquire, Assistant General Counsel, Clerk of Agency Proceedings,

Florida Department of Transportation, Office of the General Counsel, 605 Suwannee St., MS 58, Tallahassee, FL 32399, (850)414-5383

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

14-94.001 Purpose.

~~(1) The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, F.S. which creates the Transportation Regional Incentive Program (TRIP). This rule chapter is intended to promote public safety and general welfare, ensure the mobility of people and goods, and preserve the facilities on the SHS, SIS, and facilities funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP will be used by the Department in the review of local government comprehensive plans, assessing impacts related to developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, F.S.~~

~~(2) This rule chapter does not supersede or negate the provisions of Chapter 9J-5, F.A.C., pertaining to the preparation and adoption of local comprehensive plans or plan amendments by local governments.~~

~~Rulemaking Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-64 FS. History—New 4-14-92, Amended 5-8-06, Repealed\_\_\_\_\_.~~

14-94.002 Definitions:

~~As used in this rule chapter, the following definitions apply:~~

~~(1) “Communities” means incorporated places outside urban or urbanized areas, or unincorporated developed areas having a population of 500 or more identified by local governments in their local government comprehensive plans and located outside of urban or urbanized areas.~~

~~(2) “Controlled Access Facilities” means non-limited access arterial facilities where access connections, median openings, and traffic signals are highly regulated.~~

~~(3) “Exclusive Through Lanes” means roadway lanes exclusively designated for intrastate travel, which are physically separated from general use lanes, and to which access is highly regulated. These lanes may be used for high occupancy vehicles and express buses during peak hours if the level of service standards can be maintained.~~

(4) "Florida Intrastate Highway System (FIHS)" means the highway system established pursuant to Section 338.001, F.S., which comprises a statewide network of limited and controlled access facilities. The primary function of the system is for high speed and high volume traffic movements within the state.

(5) "General Use Lanes" means roadway lanes not exclusively designated for long distance high speed travel. In urbanized areas general use lanes include high occupancy vehicle lanes not physically separated from other travel lanes.

(6) "Level of Service (LOS)" for highways means a quantitative stratification of the quality of service to a typical traveler on a facility into six letter grade levels with "A" describing the highest quality and "F" describing the lowest quality. The indicated LOS standards designate lowest acceptable operating conditions for the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest volume hour represents the typical peak hour during the peak season. Definitions and measurement criteria used for minimum LOS standards are based on the Transportation Research Board Highway Capacity Manual 2000. All LOS evaluations are to be based on the Transportation Research Board Highway Capacity Manual 2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. The Transportation Research Board Highway Capacity Manual 2000 and the Department's 2002 Quality/Level of Service Handbook are hereby incorporated by reference and made a part of these rules. The National Transportation Research Board's Highway Capacity Manual 2000, is available from the Transportation Research Board, National Research Council, Washington, D.C. The Department's 2002 Quality/Level of Service Handbook may be found at: [http://www.dot.state.fl.us/planning/systems/sm/los/los\\_sw2.htm](http://www.dot.state.fl.us/planning/systems/sm/los/los_sw2.htm).

(7) "Limited Access Facilities" means multilane divided highways having a minimum of two lanes for exclusive use of traffic in each direction and full control of ingress and egress; this includes freeways and all fully controlled access roadways.

(8) "Other State Roads" means roads on the SHS which are not part of the FIHS.

(9) "Peak Hour" means the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon.

(10) "Multimodal Transportation Districts (MMTDs)" means areas in which secondary priority is given to vehicle mobility and primary priority is given to assuring a safe, comfortable and attractive pedestrian environment with convenient interconnection to transit. Local government comprehensive plans may establish multimodal LOS standards within MMTDs pursuant to Section 163.3180(15), F.S.

(11) "Regionally Significant Roadways" means as established pursuant to Section 339.2819, F.S.

(12) "Roadways Parallel to Exclusive Transit Facilities" means roads that generally run parallel to and within one-half mile of exclusive transit facilities, which are physically separated rail or roadway lanes reserved for multipassenger use by rail cars or buses serving large volumes of home/work trips during peak travel hours. Exclusive transit facilities do not include downtown people movers, or high occupancy vehicle lanes unless physically separated from other travel lanes.

(13) "Rural Areas" means areas not included in an urbanized area, a transitioning urbanized area, an urban area, or a community.

(14) "Strategic Intermodal System (SIS)" means as established pursuant to Sections 339.61-64, F.S.

(15) "SIS Connectors" means designated roadways that connect SIS hubs to SIS highways. These may be either on or off the SHS.

(16) "SIS Hubs" means ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world. These include commercial service airports, deepwater seaports, space ports, interregional rail and bus terminals, and freight rail terminals.

(17) "Transitioning Urbanized Areas" means the areas outside urbanized areas, but within the MPO Metropolitan Planning Area Boundaries, that are expected to be included within the urbanized areas within the next 20 years based primarily on the U.S. Bureau of Census urbanized criteria.

(18) "Transportation Concurrence Exception Area (TCEA)" means an area which is so designated by a local government pursuant to Section 163.3180, F.S.

(19) "Transportation Concurrence Management Area (TCMA)" means a geographically compact area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A TCMA may be designated in local government comprehensive plans in accordance with Section 163.3180, F.S.

(20) "Transportation Regional Incentive Program (TRIP)" means as established pursuant to Section 339.2819, F.S.

(21) "Urban Areas" means places with a population of at least 5,000 which are not included in urbanized areas based on the most recent U.S. Census. The applicable boundary encompasses the urban area as well as the surrounding geographical area as determined by the Federal Highway Administration (FHWA), the Department, and local government. The boundaries are commonly called FHWA Urban Area Boundaries and include areas expected to have medium density development before the next decennial census.

(22) "Urbanized Areas" means the urbanized areas designated by the U.S. Bureau of Census as well as the surrounding geographical areas, as determined by the FHWA, the Department, and the Metropolitan Planning Organization, and are commonly called FHWA Urbanized Area Boundaries.



The over or under 500,000 classifications distinguish urbanized area populations based on the most recent U.S. Census.

Rulemaking Specific Authority 163.3180(10), 334.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-64 FS. History—New 4-14-92, Amended 5-8-06, Repealed \_\_\_\_\_.

14-94.003 Statewide Minimum Level of Service Standards.

(1) The Statewide Minimum LOS Standards are as follows:

	SIS AND FHHS FACILITIES		TRIP FUNDED FACILITIES AND OTHER STATE ROADS <sup>3</sup>	
	Limited Access Highway <sup>4</sup> (Freeway)	Controlled Access Highway <sup>4</sup>	Other Multilane <sup>4</sup>	Two-Lane <sup>4</sup>
Rural Areas	B	B <sup>1</sup>	B	C
Transitioning Urbanized Areas, Urban Areas, or Communities	C	C	C	C
Urbanized Areas Under 500,000	C(D)	C	D	D
Urbanized Areas Over 500,000	D(E)	D	D	D
Roadways Parallel to Exclusive Transit Facilities	E	E	E	E
Inside TCMAs	D(E) <sup>2</sup>	E <sup>2</sup>	--2	--2
Inside TCEAs <sup>2</sup> and MMTDs <sup>2</sup>	--2	--2	--2	--2

Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

- For rural two lane facilities, the standard is C.
- Means the Department must be consulted as provided by Section 163.3180(5), (7), or (15), Florida Statutes, regarding level of service standards set on SIS or TRIP facilities impacted by TCMAs, MMTDs, or TCEAs respectively.
- Means the level of service standards for non TRIP facilities may be set by local governments in accordance with Rule 9J-5.0055, F.A.C.
- It is recognized that certain roadways (i.e., constrained roadways) will not be expanded by the addition of through lanes for physical, environmental, or policy reasons. In such instances, a variance to the level of service may be sought pursuant to Section 120.542, Florida Statutes.

NOTE: Level of service letter designations are defined in the Department's 2002 Quality/Level of Service Handbook.

(2) Specific assumptions and restrictions that apply to these minimum LOS standards are:

(a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.

(b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual Special Report 2000.

(c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual Special Report

2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or Circular 212, shall not be used.

(3) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:

(a) Minimum LOS Standards for SIS Highways:

1. Limited access SIS highways shall adhere to the limited access FHHS LOS standards.

~~2. Controlled access SIS highways shall adhere to the controlled access FHHS LOS standards.~~

~~3. These standards shall apply regardless whether the facility is FHHS, SHS, or under other jurisdiction.~~

~~(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors shall be LOS D.~~

~~(c) Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP.~~

~~1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.~~

~~2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.~~

~~Rulemaking Specific Authority 163.3180(10), 334.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-64 FS. History—New 4-14-92, Amended 5-8-06, Repealed.~~

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-4.002  
RULE TITLE: Contract Prices

PURPOSE AND EFFECT: The rule is amended to establish the actuarial assumptions which will be used to establish Prepaid Plan prices.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumptions used to establish Prepaid Plan prices.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) 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.

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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

(1) The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly.

(2) The advance payment contract prices for:

(a) The 4-Year Florida University Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, and the Tuition Differential Fee will rise 10 percent annually through fiscal year 2015-16 and at the maximum increase permitted pursuant to Section 1009.24(16), F.S., annually thereafter.

(b) The 2 + 2 Florida Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S., the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(c) The 4-Year Florida College Plan are based on the actuarial assumptions that the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(d) The 2-Year Florida College Plan are based on the actuarial assumptions that Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(e) The Dormitory Plan are based on the actuarial assumption that dormitory fees at State Universities will rise at an average of 6 percent per annum.

(f) Local Fee Plans are based on the actuarial assumptions that the Local Fees at State Universities will rise at an average of 6.5 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(g) Tuition Differential Fee Plans are based on the actuarial assumption that the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09, 10-18-10, \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

RULE NO.: 25-4.0051  
RULE TITLE: Certificate Holder Information

PURPOSE AND EFFECT: New Rule 25-4.0051, F.A.C., states that all certificated companies must keep their contact information current with the Public Service Commission.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Telecommunications.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.18(1), 364.335 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: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.fl.state.us

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

**PUBLIC SERVICE COMMISSION**

RULE NOS.:	RULE TITLES:
25-4.0665	Lifeline Service
25-4.113	Refusal or Discontinuance of Service by Company

PURPOSE AND EFFECT: Rule 25-4.0665, F.A.C., would be amended to require eligible telecommunications carriers to comply with subscriber eligibility determinations and certifications as contained in CFR §§54.409, 54.410, and 54.416, to eliminate Link-Up, to update Forms PSC/TEL 157 and 158, to require that a subscriber’s Lifeline local service may not be discontinued because of nonpayment of charges for non-basic services and toll charges, to eliminate quarterly reporting requirements, and to clarify telecommunications carrier responsibilities regarding record retention, resale of Lifeline lines, and advertising, including developing outreach materials for specific consumer groups and outreach strategies. Consistent with the 2011 changes made to Ch. 364, F.S., Rule 25-4.113, F.A.C., would be repealed.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 364.10(2)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS.

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

DATE AND TIME: Wednesday, September 19, 2012, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary draft of the proposed rule amendment will be available on the Commission’s website, www.floridapsc.com, on September 12, 2012

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

**PUBLIC SERVICE COMMISSION**

RULE NOS.:	RULE TITLES:
25-24.585	Rules Incorporated
25-24.835	Rules Incorporated

PURPOSE AND EFFECT: The two rules are being repealed because they are no longer necessary. All rules for local service providers are being generically approached and consolidated.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Telecommunications.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.18(1), 364.335 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: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.fl.state.us

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

**ADMINISTRATION COMMISSION**

**Division of Emergency Management**

RULE NO.: 27P-2.002  
 RULE TITLE: State Comprehensive Emergency Management Plan Adopted

PURPOSE AND EFFECT: The purpose of this amendment is to adopt the 2012 State Comprehensive Emergency Management Plan.

SUBJECT AREA TO BE ADDRESSED: State Comprehensive Emergency Plan.

RULEMAKING AUTHORITY: 252.35 FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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

DATE AND TIME: September 18, 2012, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mindy Dowling at (850)410-1268. 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: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Division hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2012 February 1, 2010 Edition).

(2) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.35(2)(a) FS. History—New 1-4-01, Amended 7-8-02, 8-4-04, 6-2-10, Formerly 9G-2.002, Amended.

**ADMINISTRATION COMMISSION**

**Division of Emergency Management**

RULE NOS.: 27P-6.002  
 RULE TITLES: Definitions

27P-6.0023 County Comprehensive Emergency Management Plans  
 27P-6.006 County Comprehensive Emergency Management Plans – Review by Division

PURPOSE AND EFFECT: The purpose of these amendments is to increase the time in which counties have to raise their County Comprehensive Emergency Management Plans and provide counties the opportunity to request an extension to submit their plan.

SUBJECT AREA TO BE ADDRESSED: Local Emergency Management Plans.

RULEMAKING AUTHORITY: 120.57, 252.35 FS.

LAW IMPLEMENTED: 120.57, 252.35(1), (2)(a), (b), (c), (d), (x), 252.38(1) FS.

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

DATE AND TIME: September 18, 2012, 2:30 p.m. – 4:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mindy Dowling at (850)410-1268. 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: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-6.002 Definitions.

(1) through (6) No change.

(7) “Local Emergency Management Plans” refer to the County Comprehensive Emergency Management Plans and the Municipal Comprehensive Emergency Management Plans.

~~(8)(7)~~ “County Radiological Emergency Plan for Nuclear Power Plants” means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

~~(9)(8)~~ “County Emergency Management Program” means the emergency management program authorized and mandated by Chapter 252, F.S., to be created by each legally constituted county in the state.

Rulemaking Specific Authority 252.35(2)(x), (2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), 252.38(1) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95, 2-11-01, Formerly 9G-6.002, Amended \_\_\_\_\_.

27P-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the governing body of the jurisdiction ~~Board of County Commissioners~~ for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) through (6) No change.

(7) The Division hereby adopts and incorporates by reference “Local Comprehensive Emergency Management Plan Compliance Criteria” and the “Emergency Management Capabilities Assessment Checklist” (Form Numbers CEMP-001 and CEMP-002, 2012 2000 Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 or online at [www.floridadisaster.org](http://www.floridadisaster.org). These criteria shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division’s review of their Comprehensive Emergency Management Plan and have them available to the Division 60 thirty days after receiving notification of the Division’s intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities Assessment.

(8) No change.

Rulemaking Specific Authority 252.35(2)(x) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), 252.38(1) FS. History—New 2-11-01, Formerly 9G-6.0023, Amended \_\_\_\_\_.

27P-6.006 County Comprehensive Emergency Management Plans – Review by Division.

(1) No change.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected regional planning council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan via certified mail ~~at least 60 days prior to~~

~~initiation of the review.~~ Within 60 30 days of receipt of this notification the county shall provide to the Division a copy ~~three copies~~ of the plan to be reviewed with a copy ~~three copies~~ of the completed compliance criteria. ~~The county may waive the 60 day review notification.~~ Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of adoption of the plan by the governing body of the jurisdiction ~~the plan review~~. The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter, it shall issue a notice of compliance.

(3) If the Division finds that a county plan does not meet all of the criteria established in this chapter the Division shall withhold a notice of compliance and issue a ~~an official~~ notification by the Division ~~certified mail~~ specifically stating the reasons the plan does not meet the criteria. Upon receipt of the ~~official~~ notification by the Division, the county shall either:

(a) ~~Within 60 days,~~ Revise its plan by the date agreed upon by the Division and the county, ~~notify the Division of the changes~~ and make the changes available to the Division for review by the date agreed upon by the Division and the county; or

(b) ~~Within 60 days~~ Develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion by the date agreed upon by the Division and the county; or

(c) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division’s withholding of a notice of non-compliance ~~non-compliance determination~~ within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan, or a workplan by the agreed upon date 60 days after the receipt of the ~~official~~ notification by the Division or request an administrative hearing the Division shall issue a notice of non-compliance via certified mail specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 60 30 days revise the plan, ~~notify the Division of the changes~~ and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division’s notice of non-compliance ~~determination~~ within 21 days of receipt of same the determination.

(5) If upon the submittal of the revised plan, either after the dated agreed upon by the Division and the county 60 days ~~allotted~~ or upon completion of the workplan, the Division finds that the revised plan is not in compliance, the Division shall withhold a notice of compliance and issue notification ~~issue a notice of non-compliance~~, specifically stating the reasons the

plan does not meet the criteria for non-compliance. Upon receipt of the notification notice of non-compliance the county shall either:

(a) ~~Within thirty days~~ Revise the plan by the date agreed upon by the Division and the county, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's notice of non-compliance determination within 21 days of receipt of the determination.

(6) If the tasks laid out in the workplan are is not completed in the time frame established in the workplan, the Division shall issue a notice of non-compliance via certified mail specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within 90 30 days revise the plan, ~~notify the Division of the changes~~ and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's notice of non-compliance determination within 21 days of receipt of the determination.

(7) All requests for an administrative proceeding shall be filed in accordance with Section 120.57, F.S., and Rule Section 28-106.201, F.A.C. Failure to request an administrative proceeding within the time frames noted above and failure to request an administrative proceeding in accordance with this chapter shall constitute a waiver of the opportunity to contest the notice of non-compliance determination.

(8) If the Division is unable, for any reason, to provide notice to the county regarding the results of its review within 60 days, it will forward a notice to the county stating its intent to extend the review period a length of time up to 90 days ~~for the specifically identified time period necessary to provide notice~~.

(9) If the county is unable, for any reason, to provide a copy of their plan within 60 days of receipt of the intent to review notification, it will request an extension to the Division to extend the deadline for turning in their plan stating just cause. Upon approval by the Division, the extension will allow 90 days for the county to submit a copy of their plan. If after the extension the county is still unable to submit their plan, the county must develop a workplan which is approved by the Division.

~~(10)(9)~~ In order to ensure that County and Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

~~(11)(10)~~ After a determination that a County Comprehensive Emergency Management Plan is in compliance with the terms of this chapter the approved plan must be adopted by resolution of the governing body of the jurisdiction within 90 60 days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 90 60 days the county may request in writing to the Division, stating just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan and resolution will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan and resolution to the Division.

Rulemaking Specific Authority 120.57, 252.35(2)(b), (x) FS. Law Implemented 120.57, 252.35(1), (2)(a), (b), (c), (d) FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95, 2-11-01, Formerly 9G-6.0063, Amended.

**ADMINISTRATION COMMISSION**

**Division of Emergency Management**

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

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

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

RULEMAKING AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 252.373 FS.

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

DATE AND TIME: September 19, 2012, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mindy Dowling at (850)410-1268. 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: Mindy Dowling, Division

of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-11.004 Prerequisites.

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

(1) The county must have an emergency management director, who ~~works at least 40 hours a week in that capacity devotes no less than one half of his/her time (20 hours per week) to the duties of the director.~~ Counties with populations of less than 75,000 or party to an interjurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), F.S., that is recognized by the Governor by executive order or rule, must have an emergency management coordinator who works at least 20 hours a week in that capacity ~~50,000 or more must have a full-time director.~~ “Full-time Director” means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction ~~Board of County Commissioners.~~

(2) No change.

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

27P-11.0061 Funding.

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

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

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

ADMINISTRATION COMMISSION

Division of Emergency Management

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

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

SUBJECT AREA TO BE ADDRESSED: Base Grant Eligibility.

RULEMAKING AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.373, 252.35, 252.38 FS. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mindy Dowling at (850)410-1268. 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: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-19.002 Definitions.

(1) through (4) No change.

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

(6) through (28) No change.

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

27P-19.004 Base Grant Eligibility.

(1) No change.

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

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

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

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

27P-19.006 Reallocation of Base Grant Funds.

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

27P-19.010 Disbursement.

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

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

(3) No change.

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

(5) No change.

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

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

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

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

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

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

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

27P-19.011 Match Requirements.

(1) No change.

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



budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction shall be submitted no later than forty-five (45) days after the county budget has been approved by the governing body of the jurisdiction prior to the beginning of the county fiscal year, or the opportunity to request shall be waived.

(3) No change.

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

**ADMINISTRATION COMMISSION**

**Division of Emergency Management**

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

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

SUBJECT AREA TO BE ADDRESSED: Hazard Mitigation Grant Program.

RULEMAKING AUTHORITY: 252.35 FS.

LAW IMPLEMENTED: 252.311, 252.35, 252.32 FS.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mindy Dowling at (850)410-1268 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: Mindy Dowling, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)410-1268, email: mindy.dowling@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-22.002 Definitions.

(1) No change.

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

(3) through (12) No change.

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

27P-22.004 LMS Working Groups.

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

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

(2) through (4) No change.

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

27P-22.006 County Allocations and Project Funding.

(1) No change.

(a) through (b) No change.

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

(3) No change.

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

27P-22.007 Application.

(1) through (4) No change.

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

(6) through (7) No change.

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-601.240	Basic Training Program – Inmate Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is, for a limited purpose, to permit basic training inmates and general population inmates to participate in apprenticeship training.

SUBJECT AREA TO BE ADDRESSED: Classification and Central Records.

RULEMAKING AUTHORITY: 944.09, 958.045 FS.

LAW IMPLEMENTED: 944.09, 958.045 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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.240 Basic Training Program – Inmate Conduct.

(1) Basic training program inmates shall not talk to general population inmates, except as required for program participation.

(2) through (3) No change.

Rulemaking Specific Authority 944.09, 958.045 FS. Law Implemented 944.09, 958.045 FS. History–New 2-26-89, Formerly 33-27.011, 33-506.210, Amended

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.201 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the inmate property list.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (17) No change.

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified below as “exemptions,” property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. All canteen items are subject to availability and may not be available for purchase. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between department institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING			Value	Articles
Quantity	Unit			
1	each			Athletic Bra (canteen – female only)
1	each			Belt (state issue)
4	each			Bras (state issue or canteen – female only)
1	each			Coat (state issue)
1	pair			Gloves, work (state issue)
4	each			Handkerchief, cotton, white only (canteen)
1	each			Hats (state issue)
2	pair			Pajamas – long (state issue or canteen) Light blue or white – female only
				Light blue – male
7	each			Panties (state issue or canteen – female only)
3	each			Pants (state issue)
1	each			Raincoat or Poncho – clear (state issue or canteen)
1	each			Robe (state issue – female only)
3	each			Shirt, outer (state issue)
4	each			Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair			Shoes, Athletic (canteen)
1	pair			Shoes, Work (canteen or state issue)
2	each			Shorts, athletic (navy blue) (canteen)
1	each			Shower cap, clear only (female only) (canteen)
1	pair			Shower slides (canteen)
6	pair			Socks (state issue or canteen)
1	each			Supporter, athletic (male only) (canteen)
2	each			Sweatshirts (gray only) (canteen order)
4	each			Undershorts (male only) (state issue or canteen)
2	each			Underwear, thermal (state issue or canteen)
PERSONAL ARTICLES			Value	Articles
Quantity	Unit			
	Number in			Batteries (canteen)
use				
25	each			Roller clips – plastic only (females only), (canteen)
*				Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	each			Bowl – plastic (canteen)
1	package			Breath tablets (canteen)
1	each			Calendar, as specified by Rule 33-501.401, F.A.C.
*				Canteen purchases – * limited by approved storage space;
1	each			Canteen bag (canteen)
1	set			Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set			Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each			Coffee mug – plastic (canteen)
1	each			Comb-pocket type, no handles (non-metal) (state issue or canteen)
*				Correspondence – * limited by storage space limitations
1	pack			Cotton swabs (plastic or paper stems only) (canteen)
2	each			Crème rinse and conditioner (canteen)
1	each			Cup, drinking – plastic (canteen)
1	package			Dental floss, (floss loops only), unwaxed (canteen)
1	each			Denture adhesive (state issue or canteen)
1	each			Denture cup (canteen order)
2	each			Deodorant and antiperspirant (no aerosols) (canteen)
1	set			Domino (light wood or plastic, standard size) (canteen order)
1	set			Earbuds (canteen)
1	pair			Earphone pads (replacement) (canteen order)
1	pair			Ear rings, post type (female only) (canteen order)

*			Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack		Emery board – cardboard (canteen)
25	each		Envelopes – legal (#10 size) (canteen)
5	each		Envelopes – oversized (10" x 13") (canteen)
*			Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each		Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each		Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box		Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*			File folders (*limited by storage space)
20			Greeting cards and accompanying envelopes
1	each		Hairbrush – nonmetal, handles for females only (canteen)
2	each		Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each		Hair net (female only) (canteen)
25	each		Hair rollers (female only) (canteen)
2	each		Handballs or racketballs (canteen)
1	each		Headphones for use with radio (canteen)
Maximum weekly dosage			Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each		Hearing aid (state issue or personal)
*			Hobby craft – at locations where program exists and subject to storage space limitations
1	each		Insect repellent (canteen)
1	each		Jigsaw puzzle (canteen order)
1	Each		Keyboard (canteen)
1	each		Laundry bag (state issue or canteen)
1	each		Lip balm (canteen)
1	each		Locks, combination (V68 series) (canteen)
1	each		Make-up bag, clear only (female only) (canteen)
1	each		Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each		Moisturizer – <del>no mineral oils, no vaseline</del> (canteen)
1	each		Mouthwash (canteen)
1	each		MP3 Player (canteen)
1	Each		MP3 Player arm band holder (canteen)
1	each		Nail clippers, not to exceed 2 1/2" (canteen)
2	pack		Notebook paper (canteen)
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4" x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)

1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
1	each		Screen protector (canteen)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toilet Paper (state issue or canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10, 10-26-11, 8-19-12\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: RULE TITLE:  
 61J2-14.009 Real Estate Sales Associate  
 PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.  
 SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to real estate sales associate.

RULEMAKING AUTHORITY: 475.05 FS.  
 LAW IMPLEMENTED: 475.25(1)(k) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: Tuesday, September 18, 2012, 8:30 a.m. or as soonest thereafter as possible  
 PLACE: Zora Neale Hurston Building; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NO.: RULE TITLE:  
 61K1-1.0024 Code of Conduct for Commissioners, Commission Staff, and Commission Officials

PURPOSE AND EFFECT: The purpose and effect of the rule development is to develop an ethical code of conduct for commissioners, commission staff, and commission officials, pursuant to Section 548.003(2)(a), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is an ethical code of conduct for commissioners, commission staff, and commission officials.

RULEMAKING AUTHORITY: 548.003(2)(a) FS.

LAW IMPLEMENTED: 548.003(2)(a) 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: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NOS.:	RULE TITLES:
61K1-3.0165	Weigh-In
61K1-3.024	Notices of Non-Compliance
61K1-3.025	Records
61K1-3.026	Disciplinary Guidelines
61K1-3.027	Boxing Weight Classes
61K1-3.028	Boxing Participants' Apparel
61K1-3.029	Boxing Bandages and Handwraps; Gloves
61K1-3.030	Boxing Conduct of Bout; Rounds
61K1-3.031	Boxing Scoring
61K1-3.032	Kickboxing Weight Classes
61K1-3.033	Kickboxing Participants' Apparel
61K1-3.034	Kickboxing Bandages and Handwraps; Gloves
61K1-3.035	Kickboxing Conduct of Bout; Rounds
61K1-3.036	Kickboxing Scoring
61K1-3.037	Mixed Martial Arts Weight Classes
61K1-3.038	Mixed Martial Arts Participants' Apparel
61K1-3.039	Mixed Martial Arts Bandages and Handwraps; Gloves
61K1-3.040	Mixed Martial Arts Conduct of Bout; Rounds
61K1-3.041	Mixed Martial Arts Scoring

PURPOSE AND EFFECT: The purpose and effect of the rules are to set forth requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance

during a match, records requirements, and disciplinary matters for professional boxing, kickboxing, and mixed martial arts matches held in the state of Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed are the requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match, records requirements, and disciplinary matters for professional boxing, kickboxing, and mixed martial arts matches held in the state of Florida.

RULEMAKING AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: 548.003(2) 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: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NOS.:	RULE TITLES:
61K1-4.023	Kickboxing Bandages and Handwraps; Gloves
61K1-4.024	Mixed Martial Arts Weight Classes; Weigh-In
61K1-4.025	Mixed Martial Arts Conduct of Bout; Rounds
61K1-4.026	Mixed Martial Arts Apparel
61K1-4.027	Mixed Martial Arts Bandages and Handwraps; Gloves

PURPOSE AND EFFECT: The purpose and effect of the rules are to set forth requirements regarding health and safety standards for amateur kickboxing and mixed martial arts matches held in the state of Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed are the health and safety standards for amateur kickboxing and mixed martial arts matches held in the state of Florida.

RULEMAKING AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: 548.003(2) 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: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE NO.: RULE TITLE:

64B5-14.0032 Use of Physician Anesthesiologist

PURPOSE AND EFFECT: To address all categories of dentists who may be treating dental patients in the outpatient dental office who have been administered anesthesia by a physician anesthesiologist.

SUBJECT AREA TO BE ADDRESSED: Treating dental patients who have been administered anesthesia by a physician anesthesiologist.

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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE NO.: RULE TITLE:

64B5-14.0032 Use of Physician Anesthesiologist

PURPOSE AND EFFECT: Allowing pediatric dentists to transfer conscious sedation permit to a pediatric conscious sedation permit at the next biennium.

SUBJECT AREA TO BE ADDRESSED: Treating dental patients who have been administered anesthesia by a physician anesthesiologist.

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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE NO.: RULE TITLE:

64B8-11.001 Advertising

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the rule and to set forth the criteria for triennial review of entities holding themselves out as board certified in dermatology.

SUBJECT AREA TO BE ADDRESSED: Clarification of the rule and setting forth requirements for entities holding themselves out as board certified in dermatology.

RULEMAKING AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## DEPARTMENT OF HEALTH

### Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-11.001 Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the revised application form for licensure.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

RULEMAKING AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.048, 461.006, 456.0276 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-16.006      RULE TITLE: Registration Requirements of Podiatric Residents

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the revised Podiatric Resident Registration form.

SUBJECT AREA TO BE ADDRESSED: Registration Requirements of Podiatric Residents.

RULEMAKING AUTHORITY: 461.005, 461.014(4) FS.

LAW IMPLEMENTED: 461.014(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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-17.001      RULE TITLE: Continuing Education Required for License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that at least two of the 40 required continuing education courses be on the subject of prevention of medical errors; to provide continuing education credit for

active or former Board members participating in annual service on a Probable Cause Panel; to provide continuing education credit for service as a volunteer expert witness; to clarify that the required HIV/AIDS continuing education course must be approved by the Board.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Required for Licensure Renewal.

RULEMAKING AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-17.003      RULE TITLE: Continuing Education Programs Not Requiring Pre-Approval from the Board

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language that provided the HIV/AIDS education course did not require pre-approval from the Board.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Programs Not Requiring Pre-Approval from the Board.

RULEMAKING AUTHORITY: 456.013, 456.033(7), 461.005, 461.007 FS.

LAW IMPLEMENTED: 456.013(6), 456.033(1), 461.007 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257



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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-24.001  
 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the revised application for certified podiatric x-ray assistant.

SUBJECT AREA TO BE ADDRESSED: Licensure for Podiatric X-Ray Assistants.

RULEMAKING AUTHORITY: 461.005, 461.0135 FS.  
 LAW IMPLEMENTED: 456.013(2), 456.025(1), 461.003(2), 461.0135 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-9.001  
 RULE TITLES: General  
 64E-9.002 Definitions  
 64E-9.003 Forms  
 64E-9.0035 Exemptions  
 64E-9.004 Operational Requirements  
 64E-9.005 Construction Plan or Modification Plan Approval  
 64E-9.006 Construction Plan Approval Standards  
 64E-9.007 Recirculation and Treatment System Requirements  
 64E-9.008 Supervision and Safety  
 64E-9.009 Wading Pools  
 64E-9.010 Spa Pools  
 64E-9.011 Water Recreation Attractions and Specialized Pools

64E-9.013 Bathing Places  
 64E-9.015 Fee Schedule  
 64E-9.016 Variances  
 64E-9.017 Enforcement  
 64E-9.018 Public Pool Service Technician Certification

PURPOSE AND EFFECT: Revision will allow for implementation of statutory changes made to Chapter 514, F.S., by Laws of Florida 2011-222 and 2012-184. To revise and clarify sanitation and safety topics for public pools and bathing places via technical & definition changes, reorganization, glitch repair, reference updates, forms updates, fee updates, and repeal/revise language to harmonize rules with the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: All listed rule chapters under 64E-9, F.A.C., will be revised or repealed to assure compliance with the statutory changes, assure consistency with other state rules, to update references, and to clarify statutory requirements and rule language.

RULEMAKING AUTHORITY: 381.006, 514.0115, 514.021, 514.023(2), 514.033, 514.05, 514.071, 514.075 FS.

LAW IMPLEMENTED: 381.006, 386.01, 386.03, 386.041, 386.051, 514.011-514.075 FS.

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

DATE AND TIME: September 25, 2012, 10:30 a.m. – 4:00 p.m., Eastern Standard Time

PLACE: Room 706, 7th Floor Conference Room, South Tower, Hurston Building, 400 W. Robinson St., Orlando, FL 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Pat Duncan, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-1742. Telephone (850)245-4240. 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: Bob Vincent, same address and phone number as above, or email bob\_vincent@doh.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-11.002	Definitions
64E-11.003	Food Supplies
64E-11.004	Food Protection
64E-11.005	Personnel
64E-11.006	Food Equipment and Utensils
64E-11.007	Sanitary Facilities and Controls
64E-11.012	Manager Certification
64E-11.013	Sanitation Certificates and Fees
64E-11.014	Mobile Food Units

PURPOSE AND EFFECT: To update rules to be consistent with changes in Section 381.0072, F.S., changes in the 2009 FDA Model Food Code, and to increase clarity.

SUBJECT AREA TO BE ADDRESSED: Food hygiene, definitions, FDA Model Food Code, and other subjects encompassed by the above-cited rules.

RULEMAKING AUTHORITY: 154.06, 381.006, 381.0072 FS.

LAW IMPLEMENTED: 154.06, 381.006, 381.0072 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: Ric Mathis, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, X-2337

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.:	RULE TITLE:
68D-24.011	Okeechobee Waterway Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Okeechobee Waterway within Hendry County where necessary to manage and promote the use of this state waterway for safe boating. Additionally we intend to fix inconsistencies between the geographic description and map for the Palm City Bridge Boating Restricted Area in Martin County.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Okeechobee Waterway within Hendry and Martin Counties.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

DATE AND TIME: Wednesday, September 19, 2012, 6:30 p.m. – 8:00 p.m.

PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, Florida 33440

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: ADA Coordinator, at (850)488-6411. 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.:	RULE TITLE:
68D-24.018	St. Johns River Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the St. Johns River within Seminole and Volusia Counties where necessary to manage and promote the use of this state waterway for safe boating. We intend to fix inconsistencies between the geographic description and map for the Mullet Lake Park Flood Zone.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the St. Johns River within Seminole and Volusia Counties.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.: 68D-24.143  
 RULE TITLE: Martin County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Florida Intracoastal Waterway within Martin County where necessary to manage and promote the use of this state waterway for safe boating. We intend to fix inconsistencies between the geographic description and map for the NE Ocean Boulevard Boating Restricted Area.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Florida Intracoastal Waterway within Martin County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

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

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

RULE NOS.: 73A-4.001, 73A-4.002  
 RULE TITLES: Definitions and Forms, Qualification Process

PURPOSE AND EFFECT: To qualify as a taxpayer who is eligible to apportion its adjusted federal income under Section 220.153, F.S., the taxpayer must notify the Division of Strategic Business Development (Division) of its intent to submit an application. The taxpayer must submit an application to apportion its adjusted federal income to the Division within 2 years after notifying the office of the taxpayer's intent to qualify. The taxpayer notice and application forms must be established by rule.

SUBJECT AREA TO BE ADDRESSED: Development of forms, processes, and rules for submitting the taxpayer's notice of intent to apply and the application to qualify to apportion adjusted federal income.

RULEMAKING AUTHORITY: 220.153(5) FS.

LAW IMPLEMENTED: 220.153 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: Karl Blischke, Division of Strategic Business Development, Department of Economic Opportunity, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)717-8962

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73A-4.001 Definitions and Forms.

The following capitalized terms have the meanings indicated. Referenced forms are available on the Internet at <http://www.floridajobs.org> or may be obtained from the Division.

(1) "Applicant" means a taxpayer that applies to qualify as eligible to apportion its adjusted federal income under Section 220.153, F.S.

(2) "Application" means the standard "Apportionment by Sales Factor Application" form DSBD 153-2, which is hereby incorporated by reference.

(3) "Division" means the Department of Economic Opportunity, Division of Strategic Business Development, which is located at the address: Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(4) "Notice of Intent" means the standard "Notice of Intent to Apply for Apportionment by Sales Factor" form DSBD 153-1, which is hereby incorporated by reference.

Rulemaking Authority 220.153(5) FS. Law Implemented 220.153 FS. History--New.

73A-4.002 Qualification Process.

(1) An Applicant must notify the Division in writing of its intent to submit an Application to apportion its adjusted federal income in order to commence the two year period for measuring qualified capital expenditures. The notice shall state the Applicant's intent to submit an Apportionment Application pursuant to Section 220.153, F.S. and include the name of the taxpayer and Federal Employer Identification Number.

(2) The Division shall acknowledge in writing receipt of the Applicant's Notice of Intent to apply and specify that the two year period for submitting the application has commenced.

(3) The Division shall evaluate each complete Application in accordance with the requirements of Section 220.153, F.S.

(4) The Division shall have ten (10) business days to review each Application for completeness and to notify any Applicant in writing if the Division determines that it is incomplete. The Division’s notice shall specify the reasons for its determination, and the Applicant shall have fifteen (15) business days after receipt of such notice to submit a revised Apportionment Application to the Division. If the Applicant fails to submit a revised Apportionment Application within the required time, the Division shall notify the Applicant in writing that it is not approved.

The Division shall notify the Florida Department of Revenue of any approved Application.

Rulemaking Authority 220.153(5) FS. Law Implemented 220.153 FS. History–New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-16.001	Approved BMPs
5M-16.002	Presumption of Compliance
5M-16.003	Notice of Intent to Implement BMPs
5M-16.004	Recordkeeping
5M-16.005	Previously submitted NOIs

**PURPOSE AND EFFECT:** The purpose of this rule is to effect pollutant reduction through the implementation of agricultural best management practices (BMPs) that may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

**SUMMARY:** The proposed rule establishes procedures for Florida citrus operations to submit a Notice of Intent (NOI) which contains agricultural water quality and quantity best management practices (BMPs) applicable to the operation covered by the NOI. Submittal of the NOI to the Florida Department of Agricultural and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), Florida Statutes, for those pollutants addressed by the practices. The rule adopts the BMP manual and procedures for enrollment, and requires that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

#### 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: The Department’s analysis of the economic impact of the rule did not trigger any of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC). As part of this analysis, the Department relied upon its past experiences with voluntary Best Management Practices implementation activities and costs, if any, they would not exceed the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes. Additionally, no interested party submitted additional information regarding the economic impact.

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:** 403.067(7)(c)2., 570.07(10), 570.07(23) FS.

**LAW IMPLEMENTED:** 403.067(7)(c)2. 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:** Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

5M-16.001 Approved BMPs.

The manual titled Water Quality/Quantity Best Management Practices for Florida Citrus (2012), DACS-P-01756, is hereby adopted and incorporated by reference. Copies of the manual may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, FL 32301 or accessed online at <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.