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"A Public Office is a Public Trust"

MEMORANDUM

TO: Commission Members
FROM: Amelia Naomi, Attorney 
DATE: November 20, 2024
RE: Rule Hearing on amendments to Chapter 34-6

The Commission is being asked to consider and approve rulemaking involving necessary updates to Chapter 34-6, Florida Administrative Code (F.A.C.). The rule amendments have been duly noticed and materials have been provided to the Joint Administrative Procedures Committee.

This rulemaking is intended to update certain rules regarding the Commission's advisory opinion process. Rule 34-6.003 will be amended to indicate that the Commission can render advisory opinions regarding Sections 16.71 and 16.715, Florida Statutes, as stated in Section 16.715(1)(d), Florida Statutes. Rule 34-6.003 will also be amended to indicate that the Commission can render advisory opinions regarding Section 350.0605, Florida Statutes, which is stated in Section 350.043, Florida Statutes. Also, Rule 34-6.006(7) is being amended to remove a reference to Rule 34-6.008, which has been previously repealed. Rulemaking authority for these changes is found in Section 112.322(9), Florida Statutes, which allows the Commission "to make such rules not inconsistent with law" regarding its practices and procedures.

The Notice of Proposed Rulemaking and the text of the proposed amended rules are attached. You will be asked to approve this proposed rulemaking at your December 6, 2024, Commission Meeting.

34-6.003 Subject Matter of Advisory Opinions.

Advisory opinions may be rendered only with respect to the interpretation and applicability of Article II, Section 8, Florida Constitution, of Part III, Chapter 112 or Sections 16.71, 16.715, 350.31, 350.04, 350.041, ~~and~~ 350.042, and 350.0605, F.S.

Rulemaking Authority 112.322(9) FS. Law Implemented 16.715(1)(d), 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History—New 4-11-76, Amended 9-21-77, 1-23-78, Formerly 34-6.03, Amended 8-7-94, _____.

34-6.006 Receipt of Requests for Advisory Opinions and Withdrawal of Requests.

(1) through (6) No change.

(7) The person requesting an advisory opinion may not withdraw his request after copies of the working draft of the opinion have been sent to him and to Commission members except with the consent of the Commission for good cause shown. Any advisory opinion issued by the Commission subsequent to an attempted withdrawal of request shall be binding. ~~in accordance with Rule 34-6.008, F.A.C.~~

Rulemaking Authority 112.322(9) FS. Law Implemented 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History—New 4-11-76, Amended 4-7-77, 9-21-77, 1-23-78, Formerly 34-6.06, Amended 8-7-94, 7-28-98, 11-24-15, _____.

3. No apprentice shall receive a hourly wage less than the percentage for the incremental period in which the apprentice is serving.

4. The established journeyworker hourly wage rate shall be reviewed annually and amended when determined by program sponsor or as per the collective bargaining agreement.

5. The minimum hourly apprentice wage rate paid during the last incremental period of apprenticeship shall be not less than 75 percent of the established journeyworker wage rate.

6. No change.

(f) No change.

(g) A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment and provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. It shall be the responsibility of the apprenticeship committee or sponsor to ensure that the allowable ratio of apprentices to journeyworkers is consistently maintained in the program as a whole, by each participating employer, and on the job site as follows:

1. For construction occupations, a maximum of one (1) apprentice to not less than one (1) journeyworker must be adhered to. -related programs and participating employers in each apprenticeable occupation, an initial ratio of one (1) apprentice to one (1) journeyworker must be adhered to. Subsequent ratios are two (2) apprentices to three (3) journeyworkers.

2. For non-construction occupations, a ratio of one (1) apprentice to one (1) journeyworker must be adhered to, unless a variance is requested by the sponsor and approved by the Department. Requests must demonstrate that the sponsor can maintain the safety of apprentices and journeyworkers under the expanded ratio. related programs and participating employers in each apprenticeable occupation, a variance may be requested which is subject to approval by the Department.

(h) through (m) No change.

(n) Assurance of qualified training personnel and adequate supervision on the job. Every apprenticeship instructor must:

1. No change.

2. Have training in teaching techniques and adult learning styles, which must occur before or after the apprenticeship instructor has started to provide the related technical instruction.

(o) through (w) No change.

(x) The sponsor must outline in the standards of apprenticeship a funding formula for the contribution of each participating employer for the successful operation and sustainability of the program. A funding formula providing for the equitable participation of each participating employer in funding of the program.

(y) No change.

Rulemaking Authority 446.032(1), 446.041(13), 1001.02(1), (2)(n) FS. Law Implemented 446.041, 446.075 FS. History—New 6-9-81, Amended 7-18-83, Formerly 38C-16.04, Amended 5-29-90, Formerly 38C-16.004, 38M-16.004, Amended 3-29-11, 6-25-19.

6A-23.009 Reinstatement of Program Registration.

Any apprenticeship program deregistered pursuant to Chapter 6A-23, F.A.C., may be reinstated upon presentation of evidence that the apprenticeship program will operate in accordance with Chapter 6A-23, F.A.C. Such evidence shall be presented to the Department through the Director of Apprenticeship at: Apprenticeship Programs, Division of Career and Adult Education, Department of Education, 325 West Gaines Street, Room 754, Tallahassee, Florida, 32399.

Rulemaking Authority 446.032(1), 446.041(13), 1001.02(1), (2)(n) FS. Law Implemented 446.041(2), (3) FS. History—New 6-9-81, Formerly 38C-16.09, 38C-16.009, 38M-16.009, Amended 3-29-11, 6-25-19.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ashley Yopp, Associate Vice Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 26, 2024

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-6.003	Subject Matter of Advisory Opinions
34-6.006	Receipt of Requests for Advisory Opinions and Withdrawal of Requests

PURPOSE AND EFFECT: The purpose of amending Rule 34-6.003 is to indicate the Commission can render advisory opinions concerning the statutes identified in Section 16.715(1)(d), Florida Statutes, as well as the entirety of statutes identified in Section 350.043, Florida Statutes. The purpose of amending Rule 34-6.006 is to remove a reference to a repealed rule.

SUMMARY: Rule 34-6.003 will be amended to indicate that the Commission can render advisory opinions regarding Sections 16.71 and 16.715, pursuant to Section 16.715(1)(d), Florida Statutes. Rule 34-6.003 will also be amended to indicate that the Commission can render advisory opinions regarding Section 350.0605, pursuant to Section 350.043, Florida Statutes. Rule 34-6.006(7) is being amended to remove a reference to Rule 34-6.008, which has been previously repealed.

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: Considering that the changes pertain to internal processes of the Commission (i.e., the issuance of advisory opinions), the adverse impact or regulatory cost, if any, do not exceed and would not be expected to exceed any one of the economic criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 112.322(9), F.S.

LAW IMPLEMENTED: 16.715(1)(d) and 350.043, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 6, 2024 at 8:30 a.m.

PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, 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 3 days before the workshop/meeting by contacting: Diana Westberry, Office Manager, Florida Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amelia Naomi, Attorney, Florida Commission on Ethics, (850)488-7864.

THE FULL TEXT OF THE PROPOSED RULE IS:

34-6.003 Subject Matter of Advisory Opinions.

Advisory opinions may be rendered only with respect to the interpretation and applicability of Article II, Section 8, Florida Constitution, of Part III, Chapter 112 or Sections 16.71, 16.715, 350.31, 350.04, 350.041, and 350.042, and 350.0605, F.S.

Rulemaking Authority 112.322(9) FS. Law Implemented 16.715(1)(d), 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History—New 4-

11-76, Amended 9-21-77, 1-23-78, Formerly 34-6.03, Amended 8-7-94, _____.

34-6.006 Receipt of Requests for Advisory Opinions and Withdrawal of Requests.

(1) through (6) No change.

(7) The person requesting an advisory opinion may not withdraw his request after copies of the working draft of the opinion have been sent to him and to Commission members except with the consent of the Commission for good cause shown. Any advisory opinion issued by the Commission subsequent to an attempted withdrawal of request shall be binding, in accordance with Rule 34-6.008, F.A.C.

Rulemaking Authority 112.322(9) FS. Law Implemented 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History—New 4-11-76, Amended 4-7-77, 9-21-77, 1-23-78, Formerly 34-6.06, Amended 8-7-94, 7-28-98, 11-24-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amelia Naomi, Attorney, Florida Commission on Ethics, (850)488-7864.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kerrie Stillman, Executive Director, Florida Commission on Ethics.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 22, 2024.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1020	Definitions
40B-4.1090	Documents, Publications and Agreements Incorporated by Reference
40B-4.3010	Works of the District Permits
40B-4.3030	Conditions for Issuance of Works of the District Permits

PURPOSE AND EFFECT: The Suwannee River Water Management District gives notice that it is initiating rulemaking to amend Works of the District (WOD) rules 40B-4.1020, 40B-4.1090, 40B-4.3010, and 40B-4.3030, F.A.C., for the purpose of defining terms used in rule, incorporating applicable reference materials, clearly delineating the specific requirements for each category of WOD permit, and specifying the conditions under which all WOD permits are issued. The effect will be rules that are more understandable by the regulated public.

SUMMARY: Works of the District permitting; regulatory floodway

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: