



Small Business

REGULATORY ADVISORY COUNCIL

July 27, 2010

Reginald Watkins, Bureau Chief
Department of Education, State Board of Education
325 West Gaines Street
Tallahassee, FL 32399-0400

Re: Proposed Rule 6A-22.002 et al

Dear Mr. Watkins:

On July 23, 2010, the Small Business Regulatory Advisory Council met and again discussed Proposed Rule 6A-22.002 et al. The Council, in a previous letter dated October 26, 2009, requested that your agency delete any reference to reporting requirements of "providers" of reemployment services. **While your new rule proposal does address this request, the spirit of the request does not appear to have been met.** Your new requirement that "carriers" provide the very same information in the same format as your prior proposed rule, and the added proviso that "any requirements imposed by insurance carriers to qualified rehabilitation providers relative to the manner in how the carriers may want Form DWC-21 submitted to them is a contractual relationship issue between the carrier and qualified rehabilitation provider, and not the Bureau," potentially places the requirement of electronic submission using the Bureau's system squarely back on the small business providers.

Because of the potential harm that this rule will place on Florida's already hurting small businesses, **the Council is requesting that your agency more effectively remove this requirement from the rule by prohibiting carriers from mandating that providers change their current submission protocols.** Additionally, the Council is requesting that your agency revise the Statement of Estimated Regulatory Cost (SERC) submitted for this rule, for the current version does not reflect the burden of the new proposed rule related to providers' requirements. The Council requests that you give serious consideration to the impact this proposed rule has had, and will continue to have, on small businesses, and modify the rule to protect these small businesses from unnecessary regulation, or provide an explanation as to how this change will not impact small businesses.

Sincerely,

Vicky L. Baker
Program Coordinator

cc: Scott Boyd, JAPC

Council Members

Chair:
Frank Attkisson

Vice Chair:
Keyna Cory

Dan Baldwin

Humberto Cortina

Fredrick Dudley

Douglas Guetziog

Toby Overdorf

Randy Sansom

Christine Vasconcelo

Advisors:

Barney Bishop
Associated Industries of
Florida

Jerry Cartwright
Florida Small Business
Development Center
Network

MaryAnn Fiala
AeA Florida Council

Bill Herrle
National Federation of
Independent Business,
Florida

Todd Kocourek
Florida Financial Network

Rick McAllister
Florida Retail Federation

Tom Stahl
Florida United
Business Association

Nancy Stephens
Manufacturers
Association of Florida

Adam Babington
Florida Chamber
of Commerce