

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.011	Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business
12A-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies
12A-1.071	Rentals, Leases, or License to Use Tangible Personal Property

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 41, October 12, 2007 and Notice of Change published in Vol. 35, No. 3, January 23, 2009 and Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

In response to written comments received regarding the sale of drinking water, subsection (6) of Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), and subsection (3) of Rule 12A-1.0115, F.A.C. (Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies), have been changed.

When adopted, subsection (6) of Rule 12A-1.011, F.A.C., will read:

(6) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. Drinking water in bottles, cans, or other containers sold

through a vending machine, push cart, motor vehicle, or any other form of vehicle is exempt. See Rule 12A-1.044, F.A.C., for sales through vending machines.

When adopted, subsection (3) of Rule 12A-1.0115, F.A.C., will read:

(3) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. Drinking water in bottles, cans, or other containers sold through a vending machine, push cart, motor vehicle, or any other form of vehicle is exempt. See Rule 12A-1.044, F.A.C., for sales through vending machines.

In response to comments received at the public hearing held on August 31, 2009, proposed subsection (7), Caterers, of Rule 12A-1.0115, F.A.C., and the proposed removal of subsection (33) of Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), have been withdrawn for further consideration. The proposed title of Rule 12A-1.0115, F.A.C., has been changed to remove the reference to caterers, so that, when adopted, the title will read "Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies." Proposed subsections (8) through (13) of Rule 12A-1.0115, F.A.C., have been renumbered (7) through (12).

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-1.607	Permit Processing Fee

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Formatting was lost in subsection 40D-1.607(7), F.A.C., such that the last word "new" in paragraph (a) should have been shown as stricken; the last two words "permit renewal" in (c) should have been shown as stricken; the second 'new' in (g) should be stricken; the second "renewal" in (i) should be stricken; the second "new" in (m) should be stricken; the words "Permit new" should not be added to the end of (n); and, the second "renewal" in (o) should be stricken. The proposed rules are correctly shown below:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

- (1) through (6) No change.
- (7) Water use permit application fees shall be as follows:
  - (a) Chapter 40D-2, F.A.C., new individual permit no greater than 10 years new \$1,000.00
  - (b) Chapter 40D-2, F.A.C., new individual permit no greater than 20 years \$2,000.00
  - (c)(b) Chapter 40D-2, F.A.C., renewal individual permit no greater than 10 years permit renewal \$750.00
  - (d) Chapter 40D-2, F.A.C., renewal individual permit no greater than 20 years permit renewal \$1,500.00
  - (e)(e) Chapter 40D-2, F.A.C., individual permit modification \$300.00
  - (f)(d) Chapter 40D-2, F.A.C., individual permit temporary \$200.00
  - (g)(e) Chapter 40D-2, F.A.C., new general permit no greater than 10 years new \$250.00
  - (h) Chapter 40D-2, F.A.C., new general permit no greater than 20 years \$500.00
  - (i)(f) Chapter 40D-2, F.A.C., renewal general permit greater than 10 years renewal \$185.00
  - (j) Chapter 40D-2, F.A.C., renewal general permit no greater than 20 years \$370.00
  - (k)(g) Chapter 40D-2, F.A.C., general permit modification \$75.00
  - (l)(h) Chapter 40D-2, F.A.C., general permit temporary \$50.00
  - (m)(i) Chapter 40D-2, F.A.C., new Small General Permit no greater than 10 years new \$50.00
  - (n) Chapter 40D-2, F.A.C., new Small General Permit no greater than 20 years \$100.00
  - (o)(j) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 10 years renewal \$35.00
  - (p) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 20 years \$70.00
  - (q)(k) Chapter 40D-2, F.A.C., Small General Permit modification \$15.00

(r) Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

(s) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (r) above.

(8) through (11) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-21.012  
 RULE TITLE: Notice of Non-Compliance  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-7.002  
 RULE TITLE: Training Program Providers  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 19, May 9, 2008 issue of the Florida Administrative Weekly.

The change corrects the revision dates on forms BCAI 4253-1, BCAI 4254-1, 4255-1, and 4256-1, which are incorporated by reference. Furthermore, the reference to rule 64B19-7.005, which does not exist, is corrected.

The rule shall read as follows:

61G19-7.002 Training Program Providers.

(1) Prospective training program providers shall register with the Board on Board-approved ~~registration~~ forms "Training Program and Training Program Provider Application Instructions," DBPR BCAI 4253-1 (Revised 08/09); "Training Program and Training Program Provider Approval Application," DBPR BCAI 4254-1(Revised 08/09); "Attendance Roster," DBPR 4255-1 (Revised 08/09); and

“Course and Program Approval,” DBPR 4256-1 (Revised 08/09), with instructions which are hereby incorporated by reference, copies of which may be obtained from the Board’s internet website at: [www.myflorida.com/dbpr/pro/build/documents/training\\_program\\_and\\_training\\_program\\_provider\\_package\\_enterable.pdf](http://www.myflorida.com/dbpr/pro/build/documents/training_program_and_training_program_provider_package_enterable.pdf) Board office.

(2) The Board shall maintain a list of all registered training program providers.

(3) Training program providers shall notify the Board in writing within thirty (30) days of the effective date of any changes in information required to be listed on the initial registration.

(4) Registered training program providers seeking approval of a cross training program for building inspectors or plans examiners who meet the eligibility requirements described in Rule 61G19-7.001, F.A.C., shall apply for cross training program approval pursuant to the requirements described in Rule 61G19-7.004, F.A.C.

(5) Registered training program providers seeking approval of an initial training program for building inspectors or plans examiners who meet the eligibility requirements described in Rule 61G19-7.0015, F.A.C., shall apply for initial training program approval pursuant to the requirements described in Rule 61G19-7.004 61G19-7.005, F.A.C.

Rulemaking Specific Authority 468.606, 468.609 FS. Law Implemented 455.2179, 468.609(2)(c), ~~468.606~~, 468.609 FS. History—New 8-20-01, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.001  
 RULE TITLE: Certified Public Accountants Required to Comply with this Chapter

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

The change is in response to a discussion and vote on the rule at a meeting of the Board held on August 5, 2009. The changes are as follows:

1. Subsection (2) shall now read as follows:
  - (2) Each Florida certified public accountant shall commence his/her reestablishment period on the date indicated on his/her Florida certificate. The initial designated reestablishment period for such Florida certified public

accountant shall end on the third June 30th following the date indicated on his/her Florida certificate. Each succeeding reestablishment period shall begin on July 1, and end on June 30, two years thereafter.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.003  
 RULE TITLE: Continuing Professional Education  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

The change is in response to a discussion and vote on the rule at a meeting of the Board held on August 5, 2009. The changes are as follows:

1. Subsection (1)(a) and (b) were removed from the proposed rule. With this change, both have been added back to the rule. Subsection (1)(a) and (b) shall now read as follows:

(1)(a) In any given reestablishment period, each current/active Florida certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter, of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in Florida Board-approved ethics.

(b) Florida certified public accountants who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the Florida certified public accountant submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 31st provided the Florida certified public accountant submits an additional 16 hours in Accounting and Auditing subjects. Florida certified public accountants utilizing the automatic extension must submit the required information postmarked or recorded on-line by September 15 or December 31st.

2. Subsection (6) shall now read as follows:

(6) Each Florida certified public accountant shall, as a part of the biennial licensure renewal, on or before December 31 prior to his/her biennial license renewal, report on forms prescribed by the Board, continuing professional education requirements completed during the applicable reestablishment period. Each Florida certified public accountant’s

documentation supporting such compliance shall be retained through the two years following a two-year reestablishment period. Documentation is to be retained to support evidence of completion of the required hours to enable a random audit by the Department of Business and Professional Regulation to determine compliance with the requirements. If staff review or review by the Committee on Continuing Professional Education determines that courses are either improperly classified or do not otherwise meet the requirements of the chapter, then the Florida certified public accountant will be given 60 days from the date of notification to comply with the continuing professional education requirements. Florida certified public accountants who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay of \$50 fine within 60 days.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:	RULE TITLE:
62-341.494	Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

62-341.494 Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.

(1) through (2) No change.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-341.215, F.A.C., and the following specific conditions.

(a) through (h) No change.

(i) Within 90 days of completion of each authorized dredge event under this general permit, the affected trafficshed or secondary channel system shall be marked along its entire length with aids to navigation ~~marked in accordance with~~

~~Chapter 327, F.S.~~ Markers shall be placed in a manner to facilitate safe navigation and protection of submerged natural resources. In channels dredged to less than 4 foot MLLW depth, signage that identifies areas of shallow water shall be installed, using language such as "Controlling Depth 3 feet, Local Knowledge Required," "Use Caution," or "Stay in Channel." Nothing in this rule shall be construed to relieve the WCIND from obtaining permits for markers and signs required by the FWC.

(j) through (m) No change.

(4) through (6) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGE IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us). Further information and updates on this proposed rule also may be obtained from the Department's Web Site at [http://www.dep.state.fl.us/water/rules\\_dr.htm#erp](http://www.dep.state.fl.us/water/rules_dr.htm#erp). (OGC No. 07-0200)

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-15.002	Sites – Mobile Home, Lodging, and Recreational Vehicle Parks
64E-15.003	Water Supply
64E-15.004	Sewage Disposal
64E-15.006	Plumbing
64E-15.007	Garbage and Refuse Disposal
64E-15.009	Recreational Camp Standards
64E-15.010	Permits and Fees

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-3.002	Public Safety Telecommunication Course Equivalency Certification of 911 Emergency Dispatchers
64J-3.003	Renewal of 911 Emergency Dispatcher Certification

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

64J-3.002 Public Safety Telecommunication Course Equivalency Certification of 911 Emergency Dispatchers.

An agency seeking to determine equivalency of their training program shall submit to the Department of Health a copy of their training curriculum and DH Form 5067, 06/09, 911 Emergency Dispatcher Training Course Equivalency Application, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at: <http://www.fl-ems.com>. The training program shall consist of no less than 208 hours. The department shall identify from DH Form 5067, 06/09, 911 Emergency Dispatcher Training Course Equivalency Application, the instructional objectives within their training program that meet each of the student performance standards as outlined in the Department of Education's Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance effective July 2009, which is incorporated by reference and available for reference on the Department of Education website at: <http://www.fldoe.org> [http://www.fldoe.org/workforce/dwdframe/law\\_cluster\\_frame09.asp](http://www.fldoe.org/workforce/dwdframe/law_cluster_frame09.asp). Entities subject to the jurisdiction of the Department of Education are not eligible for this determination.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New\_\_\_\_\_.

64J-3.003 Renewal of 911 Emergency Dispatcher Certification.

(1) To be eligible for renewal certification as a 911 emergency dispatcher, the applicant shall submit DH Form 5068, 06/09, Renewal/Change of Status 911 Emergency Dispatcher Certification Form, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at <http://www.fl-ems.com>, prior to February 1 of each odd year and complete the following:

(a) Complete 24 hours of 911 emergency dispatcher renewal training based on the Department of Education Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance effective July 2009, available for reference on the Department of Education website at: [http://www.fldoe.org/workforce/dwdframe/law\\_cluster\\_frame09.asp](http://www.fldoe.org/workforce/dwdframe/law_cluster_frame09.asp) <http://www.fldoe.org>. The department shall accept either the affirmation from a public safety agency as defined in Section 365.171(3)(d)(e), F.S., or a certificate of completion of 24 hours of renewal training from a department-approved Florida 911 emergency dispatcher training program equivalent to the Department of Education Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point –

Data Code A, Dispatcher: Police Fire and Ambulance effective July 2009 most recently approved emergency dispatcher course of the Department of Education.

(b) Applicants applying for recertification must obtain 24 hours of renewal training, as defined in 64J-3.003(1)(a), F.A.C., which may be earned through various delivery methods outlined in Table I.

911 Emergency Dispatcher Renewal Requirement

Table I

Delivery Method	Maximum Credit Hours Allowed
Journal Review	12 Hours
Workshop/Seminar/Classroom	16 Hours
Multi-media	12 Hours
QA/QI Review	12 Hours
Planning and Management Meetings	12 Hours
Teaching	12 Hours
Protocol Review	12 Hours

(2) An individual who has received an initial certification as a 911 emergency dispatcher of no more than 180 days prior to February 1 of each odd year shall be exempt from the first renewal period. If an initial certification is obtained prior to August 1st of the preceding renewal year, that certificate holder must apply for renewal certification.

(3) In the event a certified 911 emergency dispatcher changes the mailing address, name, or place of supervised full-time employment he or she has provided to the department, the applicant shall notify the department upon renewal.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-48.008  
 RULE TITLE: Monitoring

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

69A-48.008 Monitoring.

(1) Monitored fire alarm ~~systems~~ ~~signals~~ shall be installed and operate in accordance with the applicable NFPA standards adopted in subsection 69A-3.012(1), F.A.C., and incorporated by reference therein.

(2) through (4) No change.