

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-1.09422  
**RULE TITLE:** Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

**PURPOSE AND EFFECT:** The purpose of this rule development is to include the science and mathematics scale scores for each achievement level for use in reporting student proficiency levels in science and mathematics as part of the student achievement testing programs known as the Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Science, Geometry End-of-Course Assessment, and Biology 1 End-of-Course Assessment. In addition, with the elimination of FCAT Reading, the rule will be amended to include an equivalent passing score on the Grade 10 FCAT 2.0 Reading.

**SUBJECT AREA TO BE ADDRESSED:** FCAT 2.0 Science, Grade 10 FCAT 2.0 Reading, Geometry End-of-Course Assessment, and Biology 1 End-of-Course Assessment.

**RULEMAKING AUTHORITY:** 1008.22(13) FS.

**LAW IMPLEMENTED:** 1008.22, 1008.25, 1008.34 FS.

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

**DATES AND TIMES:** October 15, 2012, 4:30 p.m. – 6:00 p.m.; October 16, 2012, 3:00 p.m. – 4:30 p.m.; October 18, 2012, 4:30 p.m. – 6:00 p.m.

**PLACE:** October 15th – Jefferson High School, Auditorium, 4401 West Cypress St., Tampa, FL 33607; October 16th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399; October 18th – Winona Webb Jordan Board Chambers, Fulton-Holland Education Center, 3300 Forest Hill Blvd., West Palm Beach, FL 33406

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Sharon Koon, Assistant Deputy Commissioner, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development, go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-1.09981  
**RULE TITLE:** Implementation of Florida’s System of School Improvement and Accountability

**PURPOSE AND EFFECT:** The purpose of this rule development is to review whether Florida should extend the provision to limit any annual declines in individual school grades to a one-letter-grade drop, delay the implementation of the adequate progress target for learning gains of the low 25%, and delay the implementation of the grading scale adjustment that would occur if 75% of schools of one type received an “A” or “B” grade. Revisions may also include changes to the high school graduation rate measures needed for the ESEA waiver.

**SUBJECT AREA TO BE ADDRESSED:** School grades transition measures.

**RULEMAKING AUTHORITY:** 1008.34 FS.

**LAW IMPLEMENTED:** 1008.34 FS.

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

**DATES AND TIMES:** October 15, 2012, 3:00 p.m. – 4:30 p.m., October 16, 2012, 4:30 p.m. – 6:00 p.m.; October 18, 2012, 3:00 p.m. – 4:30 p.m.

**PLACE:** October 15th – Jefferson High School, Auditorium, 4401 West Cypress St., Tampa, FL 33607; October 16th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399; October 18th – Winona Webb Jordan Board Chambers, Fulton-Holland Education Center, 3300 Forest Hill Blvd., West Palm Beach, FL 33406

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, FL 32399, [Ed.Croft@fldoe.org](mailto:Ed.Croft@fldoe.org). You may submit comments on the Department website at <https://app1.fldoe.org/rules/default.aspx>

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

**ADMINISTRATION COMMISSION**

**RULE NO.:** 28-101.001  
**RULE TITLE:** Statement of Agency Organization and Operation

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendments are to amend rule language to conform to present technology with respect to providing e-mail addresses and to conform to statutory change.

SUBJECT AREA TO BE ADDRESSED: Statement of Agency Organization and Operation.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-101.001 Statement of Agency Organization and Operation.

(1)(a) through (c) No change.

(2) The Statement of Agency Organization and Operation shall:

(a) through (c) No change.

(d) Identify the agency clerk by name, position, address, e-mail address, and telephone number; and set out his or her duties and responsibilities.

(e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

~~1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.~~

~~2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the agency as a result.~~

~~3. That the filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.~~

(f) Identify the name, ~~and address,~~ and e-mail address of the appropriate contact person for obtaining information about variances from or waivers of agency rules, and indicate how to file a petition for variance or waiver.

(g) No change.

(h) Set forth where and how agency index of final orders can be accessed.

(3) The agency clerk ~~head~~ shall provide a copy of its Statement of Agency Organization and Operation to any person upon request.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History--New 4-1-97, Amended 1-15-07, 12-24-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NOS.:

RULE TITLES:

28-102.001

Notice of Public Meeting, Hearing, or Workshop

28-102.002

Agenda of Meetings, Hearings, and Workshops

28-102.003

Emergency Meetings

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to amend rule language to conform to statutory changes regarding materials required to be posted on an agency's website and to conform to statutory language relating to matters posing an immediate danger to the public health, safety or welfare.

SUBJECT AREA TO BE ADDRESSED: Agenda and Scheduling of Meetings and Workshops.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)1., 120.525 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-102.001 Notice of Public Meeting, Hearing, or Workshop.

(1) Except where otherwise provided, the agency shall give at least seven days notice of any public meeting, hearing, or workshop by publication in the Florida Administrative Weekly and on agency's website ~~Provisions regarding notices of rulemaking hearings are found in Rule 28-103.001, F.A.C. Provisions regarding notices of hearings in proceedings for determining substantial interests are found in Rules 28-106.208 and 28-106.302, F.A.C.~~

(2) No change.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5)(b)1. FS. History--New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

28-102.002 Agenda for Meetings, Hearings, or Workshops.

(1) through (2) No change.

(3) The agenda and any meeting materials available in electronic form shall be published on the agency's website. Confidential and exempt information need not be published.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.525 FS. History--New 4-1-97, Amended \_\_\_\_\_.

28-102.003 Emergency Meetings.

(1) An agency may hold an emergency meeting notwithstanding the provisions of Rules 28-102.001 and 28-102.002, F.A.C., for the purpose of acting upon emergency matters posing an immediate danger to affecting the public health, safety or welfare.

(2) through (3) No change.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.525, 120.54(5)(b)1. FS. History--New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NOS.:	RULE TITLES:
28-104.002	Petition for Variance or Waiver
28-104.003	Comments on Petition
28-104.005	Time for Consideration of Emergency Petition
28-104.006	Request for Information

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to amend rule language to conform to present technology with respect to providing e-mail addresses and clarify rule provisions.

SUBJECT AREA TO BE ADDRESSED: Variance or Waiver.

RULEMAKING AUTHORITY: 14.202, 120.54(5)(b)8., 120.542(5) FS.

LAW IMPLEMENTED: 120.542(4), 120.542(5)(b)8. 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: Barbara Weighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-104.002 Petition for Variance or Waiver.

(1) No change.

(2) The petition must include the following information:

(a) No change.

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) through (i) No change.

(3) through (4) No change.

Rulemaking Specific Authority 14.202, 120.542(5) FS. Law Implemented 120.542(5)(b)8. FS. History--New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-104.003 Comments on Petition.

(1) Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after the notice required by Section 120.542(6), F.S. The agency shall state in any order disposing of the petition whether comments were received by the agency.

(2) through (3) No change.

Rulemaking Specific Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History--New 4-1-97, Amended \_\_\_\_\_.

28-104.005 Time for Consideration of Emergency Petition.

~~(1) The agency shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.~~

~~(1)(2)~~ Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. Interested persons or other agencies may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(2) The agency shall grant or deny a petition for emergency variance or waiver or determine that the request is not an emergency within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.

(3) If the agency decides that the situation is not an emergency, the agency shall so notify the petitioner in writing, and the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.

(4) through (5) No change.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History–New 4-1-97, Amended 1-15-07, 12-24-07,\_\_\_\_\_.

28-104.006 Request for Information.

(1) No change.

(2) In its response to a request for information, the agency shall indicate the name, address, and e-mail address of the appropriate contact person for additional information and shall indicate how a petition for variance or waiver is filed with the agency.

Rulemaking Specific Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.542(4) FS. History–New 4-1-97, Amended \_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NOS.:	RULE TITLES:
28-105.002	The Petition
28-105.0024	Notice of Filing
28-105.0027	Intervention
28-105.004	Notice of Disposition

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses; add uniformity to proceedings by requiring that intervention be by motion rather than petition, which provides the procedural framework attendant to motions; and to reduce the allegations required for intervention from those required for petition which initiates the proceeding.

SUBJECT AREA TO BE ADDRESSED: Declaratory Statements.

RULEMAKING AUTHORITY: 14.202, 120.54(5)(b)6., 120.542(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)6., 120.565 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) No change.

(2) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner’s attorney or qualified representative (if any).

(4) through (7) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.565 FS. History–New 4-1-97, Amended 3-18-98, 1-15-07,\_\_\_\_\_.

28-105.0024 Notice of Filing.

The agency shall file a notice of the Petition for Declaratory Statement in the next available Florida Administrative Weekly including the following information:

(1) The name of the agency with which whom the Petition for Declaratory Statement is filed.

(2) through (4) No change.

(5) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(6) The applicable time limit for filing motions to intervene or petitions for administrative hearing by persons whose substantial interests may be affected.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History–New 1-15-07, Amended \_\_\_\_\_.

28-105.0027 Intervention.

(1) Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may move the presiding officer for leave to intervene. The presiding officer shall allow for intervention of persons meeting the requirements for intervention of this rRule ~~28-106.205, F.A.C.~~ Except for good cause shown, motions ~~Petitions~~ for leave to intervene must be filed within 21 days after publication of (or such later time as is specified in) the notice in the Florida Administrative Weekly at least 10 days before the final hearing. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(2) The motion to intervene shall contain the following information:

(a) The name and address of the intervenor and, if the intervenor is not represented, the e-mail address and facsimile number, if any; and

(b) The name, address, e-mail address, telephone number, and any facsimile number of the intervenor’s attorney or qualified representative; and

(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the declaratory statement; and

(d) The signature of the intervenor or intervenor’s attorney or qualified representative; and

(e) The date.

(3) Any party may, within seven days of service of the motion, file a response in opposition.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History—New 1-15-07, Amended.

28-105.004 Notice of Disposition.

The agency shall file a Notice of Disposition for the Declaratory Statement or denial of the petition in the next available issue of the Florida Administrative Weekly including the following information:

(1) through (2) No change.

(3) The agency, contact person, ~~and~~ address, and e-mail address where a copy of the petition and final order may be obtained.

(4) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History—New 1-15-07, Amended.

**ADMINISTRATION COMMISSION**

RULE NOS.:	RULE TITLES:
28-106.104	Filing
28-106.105	Appearances
28-106.106	Who May Appear; Criteria for Qualified Representatives
28-106.201	Initiation of Proceedings
28-106.2015	Agency Enforcement and Disciplinary Actions
28-106.204	Motions
28-106.205	Intervention
28-106.213	Evidence
28-106.214	Preserving Testimony
28-106.217	Exceptions and Responses
28-106.301	Initiation of Proceedings
28-106.303	Motions
28-106.306	Preserving Testimony
28-106.402	Contents of Request for Mediation
28-106.404	Contents of Agreement to Mediate

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule chapter language to clarify the filing date of documents; to ensure parties have correct contact information as to other parties; to reduce the costs to all parties by requiring documents be filed only once; to clarify when representative must be qualified; conform to present technology with respect to e-mail address; to clarify

when a reply is permitted; to clarify when a motion to dismiss must be filed; to conform to statutory changes; to add uniformity to proceedings by requiring that intervention be by motion rather than petition, which provides the procedural framework attendant to motions; to reduce allegations required for intervention from those required for a petition which initiates the proceeding; to clarify applicable statutory sections; to provide for a procedure for obtaining official recognition; to establish a procedure for the use of interpreters and translators; and to delete obsolete requirement that court reporters be certified.

SUBJECT AREA TO BE ADDRESSED: Decisions Determining Substantial Interests.

RULEMAKING AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(a), 120.54(2)(c), 120.54(2)(d), 120.54(3)(a), 120.54(3)(c), 120.54(3)(c)2., 120.54(5), 120.54(7), 120.525 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.104 Filing.

(1) No change.

(2) All pleadings filed with the agency shall contain the following:

(a) through (c) No change.

(d) The name, address, any e-mail address, and telephone number of the person filing the pleading;

(e) through (f) No change.

(3) Any document received by the office of the agency clerk before after 5:00 p.m. shall be filed as of that day but any document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

(4) No change.

(5) All parties, if they are not represented, or their attorneys or qualified representatives shall promptly notify all other parties and the presiding officer of any changes to their contract information by filing a notice of the change.

~~(6)(5)~~ All papers filed shall be titled to indicate clearly the subject matter of the paper and the party requesting relief.

~~(7)(6)~~ All original pleadings shall be on white paper measuring 8 1/2 by 11 inches, with margins of no less than one inch. Originals shall be printed or typewritten.

~~(7) If an agency allows documents to be filed by electronic mail or facsimile transmission, the following paragraphs apply:~~

~~(a) A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. The party shall produce it upon the request of any other party or the agency clerk.~~

~~(b) Any party who elects to file any document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the signals and accepts the full risk that the document may not be properly filed with the clerk as a result.~~

~~(c) The filing date for a document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document.~~

(8) A document shall be filed by only one method (e-filing, facsimile, courier, hand-delivery, or U.S. mail) and shall not be filed multiple times. A duplicate filing will not be docketed and will be destroyed.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

28-106.105 Appearances.

(1) through (2) No change.

(3) On written motion served on the party represented and all other parties of record, the presiding officer shall grant counsel of record and qualified representatives leave to withdraw for good cause shown. The motion shall contain the address, any e-mail address, and telephone number of the party represented.

(4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-106.106 Who May Appear; Criteria for Qualified Representatives.

(1) No change.

(2)(a) A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable, but no later than any pleading filed by the person seeking to appear on behalf of the party. The request shall identify the name, address, e-mail address, and telephone number of the representative and shall state that the party is aware of the services which the representative can provide, and is aware that the party can be represented by counsel at the party’s own expense and has chosen otherwise.

(b) through (c) No change.

(3) through (5) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

28-106.201 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) No change.

(b) The name, address, any e-mail address, facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;

(c) through (g) No change.

(3) No change.

Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History–New 4-1-97, Amended 9-17-98, 1-15-07,\_\_\_\_\_.

28-106.2015 Agency Enforcement and Disciplinary Actions.

(1) through (4) No change.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, any e-mail address, ~~and~~ telephone number, and facsimile number, (if any,) of the respondent if the respondent is not represented.

(b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, (if any,) upon whom service of pleadings and other papers shall be made.

(c) through (e) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 1-15-07, Amended \_\_\_\_\_.

28-106.204 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the presiding officer. When time allows, the other parties may, within 7 days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by the presiding officer. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct such proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) Unless otherwise provided by law, motions to dismiss the petition or request for hearing shall be filed no later than 20 days after assignment of the presiding officer, unless the motion is based upon a lack of jurisdiction of incurable errors in the petition service.

(3) ~~All motions~~, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion. Any statement that the movant was unable to contact the other party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

~~(4) In cases in which the Division of Administrative Hearings has final order authority, any party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.~~

~~(5) In cases in which the Division of Administrative Hearings has recommended order authority, a party may file a motion to relinquish jurisdiction whenever there is no genuine issue as to material fact.~~

~~(4)(6) Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.~~

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

28-106.205 Intervention.

~~(1) Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may move ~~petition~~ the presiding officer for leave to intervene. Except for good cause shown, motions ~~petitions~~ for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. ~~The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.~~ The parties may, within 7 days of service of the motion ~~petition~~, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.~~

~~(2) The motion to intervene shall contain the following information:~~

~~(a) The name and address of the intervenor and, if the intervenor is not represented by an attorney or a qualified representative, the e-mail address and facsimile number, if any, of the intervenor; and~~

~~(b) The name, address, e-mail address, telephone number, and any facsimile number of the intervenor's attorney or qualified representative; and~~

~~(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the proceeding; and~~

~~(d) A statement as to whether the intervenor supports or opposes the preliminary agency action; and~~

~~(e) The statement required by subsection 28-106.204(3), F.A.C.; and~~

~~(f) The signature of the intervenor or intervenor's attorney or qualified representative; and~~

~~(g) The date.~~

~~(3) Specifically-named persons, whose substantial interests are being determined in the proceeding, may become a party by entering an appearance and need not request leave to intervene.~~

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

28-106.213 Evidence.

~~(1) through (2) No change.~~

~~(3) Hearsay evidence, whether received in evidence over objection or not, may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless the evidence falls within an exception to the hearsay rule as found in Sections 90.801-.805 Chapter 90, F.S.~~

~~(4) No change.~~

~~(5) If requested and if the necessary equipment is reasonably available, testimony may be taken by means of video teleconference or by telephone.~~

~~(a) No change.~~

~~(b) For any testimony taken by ~~means of video teleconference or~~ telephone, a notary public must be physically present with the witness to administer the oath. ~~If testimony is taken by telephone,~~ The notary public shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness. It shall be the responsibility of the party calling the witness to secure the services of a notary public.~~

~~(6) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material. Requests for official recognition shall be by motion and shall be considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.~~

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

28-106.214 Preserving Testimony Recordation.

~~(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency transmitting the petition to the Division of Administrative Hearings pursuant to Sections~~

120.569 and 120.57, F.S., the agency whose rule is being challenged, or the agency whose action initiated the proceeding. Proceedings shall be recorded by a ~~certified~~ court reporter or by recording instruments.

(2) No later than 10 days prior to the final hearing, the agency shall notify the parties of the method by which the agency will record the testimony at the final hearing. Any party to a hearing may, at its own expense, provide a ~~certified~~ court reporter if the agency does not. The presiding officer may provide a ~~certified~~ court reporter. At hearings reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present, or understand evidence, or otherwise fully participate in the hearing, shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, at its sole expense, a certified translator or interpreter instead. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98,\_\_\_\_\_.

28-106.217 Exceptions and Responses.

(1) Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order except in proceedings conducted pursuant to Section 120.57(3), F.S. Exceptions shall identify the disputed portion of the recommended order by page number ~~or~~ and paragraph, shall identify the legal basis for the exception, and shall include any appropriate and specific citations to the record.

(2) Exceptions shall be provided to all parties by facsimile or electronic mail, if a facsimile number or e-mail address has been is provided, the day they are filed with the agency.

(3) through (4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) No change.

(b) The name, address, any e-mail address, and telephone number of the petitioner, if the petitioner is not represented by an attorney or qualified representative; the name, address, e-mail address, facsimile number, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) through (h) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 12-24-07,\_\_\_\_\_.

28-106.303 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied upon. The original motion shall be filed with the presiding officer. When time allows, the other parties may, within seven days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by presiding officer. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) All motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether any party has an objection to the motion.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-106.306 Preserving Testimony Recordation.

(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency responsible for taking final agency action. Proceedings shall be recorded by a ~~certified~~ court reporter or by recording instruments.

(2) Any party to a hearing may, at its own expense, provide a ~~certified~~ court reporter if the agency does not. The presiding officer may provide a ~~certified~~ court reporter. At hearings reported by a court reporter, any party who wishes a



transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present or understand evidence, or otherwise fully participate in the hearing shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, as its sole expense, a certified translator or interpreter instead. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-106.402 Contents of Request for Mediation.

The request for mediation shall contain:

(1) The name, address, any e-mail address, and telephone number of the party requesting mediation and that party's representative, if any; and

(2) A statement of the preliminary agency action; \_\_\_\_\_.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, \_\_\_\_\_.

28-106.404 Contents of Agreement to Mediate.

The agreement to mediate shall set forth:

(1) The names, addresses, any e-mail addresses, and telephone numbers of any persons who may attend the mediation;

(2) The name, address, e-mail address, and telephone number of the mediator agreed to by the parties;

(3) through (7) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended \_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-108.001  
 RULE TITLE: Petition for Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUBJECT AREA TO BE ADDRESSED: Petition for Exceptions to Uniform Rules of Procedure.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-108.001 Petition for Exception to Uniform Rules of Procedure.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-9-98, 1-15-07, \_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-110.004  
 RULE TITLE: Formal Written Protest

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to clarify language in the situation where the last day of the period allowed for filing a petition or bond falls on a weekend or legal holiday to conform with statutory language in subsection 120.57(3)(d)2., F.S.

SUBJECT AREA TO BE ADDRESSED: Bid Protests – Formal Written Protest.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.57(5) 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-110.004 Formal Written Protest.

(1) through (2) No change.

(3) The time allowed for filing a petition or a bond is not extended by mailing either document. If the last day of the period allowed for filing a petition or bond is a Saturday, Sunday, or legal holiday, the period shall not run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.57(5) FS. History--New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-112.001  
RULE TITLE: Petition for Exception to Uniform Rules Relating to State Employment

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUBJECT AREA TO BE ADDRESSED: Petition for Exception to Uniform Rules relating to State Employment.

RULEMAKING AUTHORITY: 14.202, 110.201 FS.

LAW IMPLEMENTED: 110.201, 110.217 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 110.201 FS. Law Implemented 110.201, 110.217 FS. History--New 12-24-07, Amended\_\_\_\_\_.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

RULE NO.: 29F-21.001  
RULE TITLE: Strategic Regional Policy Plan

PURPOSE AND EFFECT: Review and refinement of the regional goals and policies within the Council's Strategic Regional Policy Plan (2060 Plan) which are intended to assist local decision making on planning, development and growth issues in Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties in a manner that encourages implementation of the Central Florida Regional Vision adopted by representatives of all 93 communities that participated in an eighteen month regional visioning process involving approximately 20,000 citizens.

SUBJECT AREA TO BE ADDRESSED: The East Central Florida Strategic Regional Policy Plan is required by Section 186.507, Florida Statutes, and contains regional goals and policies that address economic development, emergency preparedness, natural resources of regional significance (including the identification of regional resources and facilities), regional transportation, affordable housing, and a dispute resolution process.

RULEMAKING AUTHORITY: 186.505, 120.54 FS.

LAW IMPLEMENTED: 186.507 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: October 3, 2012, 10:00 a.m.

PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

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 2 days before the workshop/meeting by contacting: tbyrd@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Hugh W. Harling, Jr., (407)262-7772 or hharling@ecfrpc.org  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-1.102	Definitions
40B-1.106	Interagency Agreements
40B-1.135	Delegations of Authority
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.704	Bond
40B-1.706	Fees
40B-1.709	Suspension, Revocation, and Modification of District Permits
40B-1.711	Emergency Action
40B-1.809	Inconsistency with Section 287.055, Florida Statutes
40B-1.901	General

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant’s Handbook. Two volumes of the Applicant’s Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330 will include provisions currently addressed in the District’s Chapters 40B-1, F.A.C. This will necessitate amendments to District Chapter 40B-1, F.A.C. Therefore, the purpose of this rule development is to revise the District’s rules to be consistent with DEP’s adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules and the Applicant’s Guide by rule amendment, development or repeal, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration, (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, (386)362-1001

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-4.1010	Policy and Purpose
40B-4.1020	Definitions
40B-4.1030	Implementation
40B-4.1040	Permits Required
40B-4.1060	Recognition of Comparable Regulatory Programs
40B-4.1070	Exemptions
40B-4.1090	Publications and Agreements Incorporated by Reference
40B-4.1100	Duration of Permits
40B-4.1110	Modification of Permits
40B-4.1120	Revocation of Permits

40B-4.1130 Transfer of Permits  
 40B-4.1140 Limiting Conditions on Permits  
 40B-4.1150 Emergency Authorization  
 40B-4.1170 Inspections and Enforcement  
 40B-4.2010 General Environmental Resource Permits  
 40B-4.2020 Content of Environmental Resource Permit Application  
 40B-4.2030 Conditions for Issuance of Environmental Resource Permits  
 40B-4.2035 Minimum Operation and Maintenance Entity Requirements  
 40B-4.2040 Minimum Operation and Maintenance Standards  
 40B-4.3000 Adopted Works of the District  
 40B-4.3010 General Works of the District Development Permits  
 40B-4.3020 Content of District Floodway Development Permit Applications  
 40B-4.3030 Conditions for Issuance of Works of the District Development Permits  
 40B-4.3040 Unlawful Use of Works of the District

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

DEP's proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in the District's Chapters 40B-4, F.A.C. This will necessitate amendments to District Chapter 40B-4, F.A.C. Therefore, the purpose of this rule development is to revise the District's rules to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C. and include proposed District rules.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules and proposed District rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for

issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

**RULEMAKING AUTHORITY:** 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

**LAW IMPLEMENTED:** 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(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:** Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, (386)362-1001

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-400.021	Definitions
40B-400.046	Formal Determinations
40B-400.051	Exemptions
40B-400.091	Publications and Agreements Incorporated by Reference
40B-400.101	Content and Processing of the Application, Amended 12-3-98
40B-400.103	Conditions for Issuance of Permits
40B-400.104	Additional Conditions for Issuance of Permits
40B-400.115	Limiting Conditions
40B-400.201	Policy and Purpose
40B-400.211	Processing Procedures for Noticed General Permits
40B-400.215	General Conditions for All Noticed General Permits
40B-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks

<p>40B-400.427</p> <p>40B-400.431</p> <p>40B-400.437</p> <p>40B-400.439</p> <p>40B-400.443</p> <p>40B-400.447</p> <p>40B-400.453</p> <p>40B-400.455</p> <p>40B-400.457</p> <p>40B-400.463</p> <p>40B-400.467</p> <p>40B-400.475</p> <p>40B-400.483</p> <p>40B-400.485</p>	<p>General Permit for Certain Piers and Associated Structures</p> <p>General Permit for Installation of Riprap</p> <p>General Permit for the Installation of Fences</p> <p>General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways</p> <p>General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation</p> <p>General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements</p> <p>General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline</p> <p>General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters</p> <p>General Permit for Subaqueous Utility Crossing of Artificial Waterways</p> <p>General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies</p> <p>General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies</p> <p>General Permit for Minor Activities</p> <p>General Permit to the Department to Conduct Minor Activities</p> <p>General Permit to the Department for Environmental Restoration or Enhancement</p>	<p>40B-400.487</p> <p>40B-400.495</p> <p>40B-400.500</p>	<p>General Permit to the Department to Change Operating Schedules for Department Water Control Structures</p> <p>General Permit to U.S. Forest Service for Minor Works within National Forests</p> <p>General Permit After Notice for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems</p> <p>PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.), Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code, F.A.C.</p> <p>As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant’s Handbook. Two volumes of the Applicant’s Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in the District’s Chapters 40B-400, F.A.C. and the District’s ERP Applicant’s Handbook. This will necessitate amendments to District Chapter 40B-400, F.A.C., and its existing Applicant’s Handbook. Therefore, the purpose of this rule development is to revise the District’s rules and the District’s Applicant Handbook to be consistent with DEP’s adoption of statewide ERP rules in chapter 62-330, F.A.C.</p> <p>SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and</p>
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operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

**RULEMAKING AUTHORITY:** 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

**LAW IMPLEMENTED:** 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, [tjs@srwmd.org](mailto:tjs@srwmd.org), (386)362-1001

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:	RULE TITLE:
40E-0.113	Variances from Specified Review Criteria for Environmental Resource Permits

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. DEP’s proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD’s Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD’s rule 40E-0.113, F.A.C., to be consistent with DEP’s adoption of statewide ERP rules in Chapter 62-330, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) procedures, and (2) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

**RULEMAKING AUTHORITY:** 120.54(5), 373.044, 373.113, 373.171, 373.4131, 373.414(7), 668.003, 668.004, 668.50 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.4131, 373.427, 668.003, 668.004, 668.50 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: Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, [abain@sfwmd.gov](mailto:abain@sfwmd.gov). For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, [jrader@sfwmd.gov](mailto:jrader@sfwmd.gov). Information regarding this rule development effort can be accessed at SFWMD’s website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-1.602	Permits Required
40E-1.603	Application Procedures for Conceptual Approval, Individual and Standard Permits
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.607	Permit Application Processing Fees
40E-1.6107	Transfer of Environmental Resource, Surface Water Management, or Water Use Permit
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions
40E-1.715	Civil Penalty Calculation

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. DEP’s proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD’s Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD’s Chapter 40E-1, F.A.C., rules to be consistent with DEP’s adoption of statewide ERP rules in Chapter 62-330, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting procedures (2) types of permits, (3) permit modifications and transfers, (4) reporting forms and operational requirements, (5) application submittal and review procedures, (6) fee categories, and (7) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

**RULEMAKING AUTHORITY:** 120.53(1), 218.075, 373.044, 373.109, 373.113, 373.333(1), 373.4131, 373.4135, 373.4136, 373.416, 373.421(2), 373.421(6)(b), 380.051, 668.003, 668.004, 668.50, 695.03, 704.06 FS.

**LAW IMPLEMENTED:** 120.53(1), 120.57, 120.60, 120.69, 218.075, 373.083, 373.085, 373.106, 373.107, 373.109, 373.113, 373.116, 373.129, 373.171, 373.209(3), 373.229, 373.309, 373.4131, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.430, 373.436, Chapter 373, Parts II and IV, 373.603, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 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:** Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD’s website www.sfwmd.gov

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-4.010	Review of Environmental Resource Permit Applications
40E-4.011	Policy and Purpose
40E-4.021	Definitions
40E-4.041	Permits Required
40E-4.0415	Permit Thresholds
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.051	Exemptions From Permitting
40E-4.0515	Exemptions From Specified Review Criteria
40E-4.054	Modification of Exempt Projects
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.201	Forms and Instructions
40E-4.205	Permit Application Processing Fees
40E-4.301	Conditions for Issuance of Permits
40E-4.302	Additional Conditions for Issuance of Permits
40E-4.303	Environmental Resource Permit Authorization
40E-4.305	Conceptual Approvals
40E-4.321	Duration of Permits
40E-4.331	Modification of Permits
40E-4.341	District Revocation or Modification of Permits
40E-4.351	Transfer of Permits
40E-4.361	Conversion from Construction Phase to Operation Phase
40E-4.381	General Conditions
40E-4.451	Emergency Authorization

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon

existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

**RULEMAKING AUTHORITY:** 120.54(5), 120.60, 373.016, 373.044, 373.103(8), 373.109, 373.113, 373.171, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.441, 373.421, 380.06(9), 668.003, 668.004, 668.50, 704.06 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 373.016 373.019, 373.042, 373.086(1), 373.103, 373.117, 373.118(1), 373.229, 373.403-.443, 380.069, 380.23, 403.031, 403.813(1), 403.813(2), 668.003, 668.004, 668.50, 695.26, 704.06 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:** Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-40.010	Review of Environmental Resource Standard Permit Applications
40E-40.011	Policy and Purpose
40E-40.021	Definitions
40E-40.031	Implementation
40E-40.041	Permit Thresholds
40E-40.042	Standard Permit for Incidental Site Activities
40E-40.051	Standard Permit Authorization
40E-40.061	Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations
40E-40.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-40.101	Content of Permit Application



40E-40.141	Request for Additional Information
40E-40.302	Conditions for Issuance of Permits
40E-40.321	Duration of Permits
40E-40.331	Modification of Permits
40E-40.341	District Revocation or Modification of Permits
40E-40.351	Transfer of Permits
40E-40.381	General Conditions
40E-40.391	Forms and Instructions
40E-40.407	Permit Application Processing Fees

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to

accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

**RULEMAKING AUTHORITY:** 120.53(1), 120.54, 120.60, 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.413(1), 373.4131, 373.414, 403.812 FS.

**LAW IMPLEMENTED:** 120.52(16), 120.53, 120.54, 120.60, 373.016, 373.019, 373.046, 373.085, 373.103, 373.106, 373.116, 373.117, 373.118, 373.229, 373.403, 373.406(5), 373.413, 373.4131, 373.414, 373.416, 373.419, 373.426, 373.427, 373.429, Chapter 373, Part IV. 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:** Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website [www.sfwmd.gov](http://www.sfwmd.gov)

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-41.011	Policy and Purpose
40E-41.043	Application of Part I
40E-41.053	Exemptions
40E-41.063	Conditions for Issuance of Permits in the Western Canal 9 Basin
40E-41.143	Application of Part II
40E-41.160	Content of Application
40E-41.243	Application of Part III
40E-41.260	Content of Application

- 40E-41.263 Conditions for Issuance of Permits in the C-51 Basin
- 40E-41.333 Implementation
- 40E-41.343 Application of Part IV.
- 40E-41.363 Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

**PURPOSE AND EFFECT:** The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise SFWMD's Chapter 40E-41, F.A.C., rules to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C. This will primarily be done by revising rule citations to reflect Chapter 62-330, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the consistency with the statewide ERP rules on the following subjects: (1) rule citations, and (2) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S..

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.4131 FS.

**LAW IMPLEMENTED:** 373.085, 373.086, 373.413, 373.4131, 373.416, 373.426 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:** Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, abain@sfwmd.gov. For procedural questions, contact: Joyce Rader, Paralegal, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-400.010	Review of No Notice and Noticed General Environmental Resource Permit Applications
40E-400.021	Definitions
40E-400.201	Policy and Purpose
40E-400.211	Processing Procedures for Noticed General Permits
40E-400.215	General Conditions for All No Notice and Noticed General Permits
40E-400.315	No Notice General Permit for Activities in Uplands
40E-400.316	No Notice General Permit for Road Grading and Pavement Resurfacing
40E-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks
40E-400.427	General Permit for Certain Piers and Associated Structures
40E-400.431	General Permit for Installation of Riprap
40E-400.437	General Permit for the Installation of Fences
40E-400.439	General Permit for the Construction or Maintenance of Culverted Driveways or Roadway Crossings and Bridges of Artificial Waterways
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing FDOT Rights-of-Way or Easements
40E-400.453	General Permit for the Installation, Maintenance, Repair or Removal of Underground Cables, Conduits, or Pipelines
40E-400.455	General Permit for the Construction of Aerial Pipeline, Cable, or Conduit Crossings of Certain Waters

- 40E-400.457 General Permit for Subaqueous Utility Crossings of Artificial Waterways
- 40E-400.463 General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies
- 40E-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies
- 40E-400.470 Noticed General Permit for Temporary Agricultural Activities
- 40E-400.475 General Permit for Minor Activities
- 40E-400.483 General Permit to the Department to Conduct Minor Activities
- 40E-400.485 General Permit to the Department for Environmental Restoration or Enhancement Activities
- 40E-400.487 General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures
- 40E-400.495 General Permit to U.S. Forest Service for Minor Works within National Forests
- 40E-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems
- 40E-400.900 Forms and Instructions

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are:

permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171, 373.406, 373.4131, 403.067(7)(d), 403.813, 403.814, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.109, 373.118, 373.119, 373.406, 373.413, 373.4131, 373.416, 373.418, 373.423, 373.426, 403.067(7)(d), 668.003, 668.004, 668.50 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 days before the workshop/meeting by

contacting: Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, jrader@sfwmd.gov. 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: Anita Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866, abain@sfwmd.gov. For procedural questions, contact: Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Regulatory Council of Community Association Managers**

RULE NOS.:	RULE TITLES:
61E14-5.001	Citations
61E14-5.002	Mediation
61E14-5.003	Notices of Non-Compliance

PURPOSE AND EFFECT: The purpose of these rules is to establish the disciplinary violations for which licensed community association managers and community association management firms may receive a notice of non-compliance or citation for. Furthermore, these rules establish violations which may proceed through mediation rather than through the disciplinary process.

SUBJECT AREA TO BE ADDRESSED: Citations, notices of non-compliance and mediation for disciplinary violations committed by community association managers and community association management firms.

RULEMAKING AUTHORITY: 468.4315(3), 455.2235(1), 455.224, 455.225 FS.

LAW IMPLEMENTED: 455.2235(1), 455.224, 455.225 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, Assistant General Counsel, Office of

the General Counsel, Department of Business and Professional Regulation 1940 N. Monroe Street, Suite 42, Tallahassee, FL 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**

**Board of Architecture and Interior Design**

RULE NO.:	RULE TITLE:
61G1-21.003	Continuing Education – Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education – Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.:	RULE TITLE:
61G1-24.002	Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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**

**Board of Auctioneers**

RULE NO.: 61G2-2.005                      RULE TITLE: Notice of Address Change  
 PURPOSE AND EFFECT: The Board proposes this rule amendment to include an electronic address for licensees.  
 SUBJECT AREA TO BE ADDRESSED: Notice of Address Change.  
 RULEMAKING AUTHORITY: 468.384(2) FS.  
 LAW IMPLEMENTED: 468.385(1), (7), 455.275 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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**

**Board of Auctioneers**

RULE NO.: 61G2-3.001                      RULE TITLE: Fees  
 PURPOSE AND EFFECT: The Board proposes this rule amendment to delete language referencing Rule 61G2-2.006, F.A.C., as the rule is being repealed.  
 SUBJECT AREA TO BE ADDRESSED: Fees.  
 RULEMAKING AUTHORITY: 455.271, 468.384(2), 468.386(1), 468.393(1) FS.  
 LAW IMPLEMENTED: 455.217(2), 455.217(1), 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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**

**Board of Auctioneers**

RULE NO.: 61G2-7.030                      RULE TITLE: Disciplinary Guidelines  
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address violations and penalties in the disciplinary guidelines for auctioneers.  
 SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.  
 RULEMAKING AUTHORITY: 455.2273(1) FS.  
 LAW IMPLEMENTED: 455.2273(1) 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-4.050                      RULE TITLE: Procedures to Obtain Permits and Other Authorizations; Applications  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material when applying for a permit with the Department.  
 SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As

part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS.

LAW IMPLEMENTED: 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) 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: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us; or facsimile (850)245-2297. (OGC No. 12-1497)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.

(1) No change.

~~(2) All applications and supporting documents shall be filed in quadruplicate with the Department.~~

(3) through (8) renumbered (2) through (7) No change.

Rulemaking Authority 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS. History—New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06, 10-31-07, 4-21-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-9.011  
 RULE TITLE: Radiography Training for Dental Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised form into the rule.

SUBJECT AREA TO BE ADDRESSED: Radiography Training for Dental Assistants.

RULEMAKING AUTHORITY: 466.004, 466.017(7) FS.

LAW IMPLEMENTED: 466.017(7) 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.: 64B8-3.002  
 RULE TITLE: Application, Certification, Registration, and Licensure Fees

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the fee required for those applying for licensure.

SUBJECT AREA TO BE ADDRESSED: Clarification of the fee required for medical faculty certificates.

RULEMAKING AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 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 Osteopathic Medicine**

RULE NO.: 64B15-14.007  
 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board intends to address various requirements regarding the standard of care for office surgery.

SUBJECT AREA TO BE ADDRESSED: Requirements with regard to the performance of office surgery.

RULEMAKING AUTHORITY: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NOS.:	RULE TITLES:
64B20-7.003	Minor Violations
64B20-7.004	Citations
64B20-7.007	Mediation

PURPOSE AND EFFECT: The Board intends to develop rule amendments to address minor violations including those violations which are appropriate for mediation or the issuance of a citation.

SUBJECT AREA TO BE ADDRESSED: Minor violations including offenses appropriate for mediation and citations.

RULEMAKING AUTHORITY: 456.073, 456.077, 456.078, 468.1135(4) FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 468.1295 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: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NOS.:	RULE TITLES:
64C-10.001	Definitions
64C-10.002	Provider Credentialing and Recredentialing Standards
64C-10.003	Facility Standards
64C-10.004	Preventative Health Care Services Standards
64C-10.005	Travel Time Standards
64C-10.006	Timely Treatment Service Standards
64C-10.007	Behavioral Health Services
64C-10.008	Second Medical Opinions
64C-10.009	Out-of-Network Service Provisions

PURPOSE AND EFFECT: The purpose of this proposed new rule chapter is to implement law consistent with Section 409.820, F.S.

SUBJECT AREA TO BE ADDRESSED: Minimum quality assurance and access standards for the Title XXI-funded Children’s Medical Services Network and Florida Healthy Kids components of the Florida KidCare children’s health insurance program.

RULEMAKING AUTHORITY: 391.026, 409.820 FS.

LAW IMPLEMENTED: 409.820 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: Gail Vail, CMSN Florida KidCare, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-1707, telephone number (850)245-4200, ext. 2238

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Refugee Services**

RULE NOS.:	RULE TITLES:
65F-1.001	Definitions
65F-1.002	Child Welfare Services Qualifications

PURPOSE AND EFFECT: The Department intends to develop a rule within a newly created Chapter 65F for the Refugee Services Program. The rule will ensure judges, hearing officers, Department and contracted staff know that the same criteria which apply to children and young adults in Florida’s foster care system and independent living program also apply to an unaccompanied refugee minor receiving federally funded child welfare services from the State.

SUBJECT AREA TO BE ADDRESSED: Unaccompanied refugee minors.

RULEMAKING AUTHORITY: 402.86(2) FS.

LAW IMPLEMENTED: 402.86(1) 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: Danny Charles, Administrative Assistant, 401 N.W. 2nd Avenue, Suite N-812, Miami, Florida 33128, (305)377-5682; Danny\_Charles@def.state.fl.us

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

This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., F.S.

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: 960.045(1)(b), 960.13(9)(b) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198, 960.199 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 RULE IS: Michelle Crum, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300

THE FULL TEXT OF THE PROPOSED RULES IS:

2A-2.002 Victim Compensation Claims.

(1) Definitions.

(a) "Actual loss" means the total amount of treatment bills, medical/dental support services, lost wages, disability, funeral expenses, loss of support, and other related out-of-pocket losses, which are compensable by the Crimes Compensation Trust Fund.

(b) "Bureau" means the Bureau of Victim Compensation (BVC) within the Division of Victim Services and Criminal Justice Programs of the Office of the Attorney General.

(c) "Compensable crime" is an offense as defined in Section 960.03(3), F.S., which results in physical, psychological, ~~or~~ psychiatric, or mental injury, or death for which an eligible claimant seeks benefits for economic loss, medical/dental/mental health treatment, funeral or burial costs, or disability benefits that are not payable by another source.

(d) "Crime scene cleanup" means the removal and disposal of biohazardous and/or biochemical substances following a violent crime that occurs in the private residence or conveyance of the victim and must be performed by a government authorized facility.

(e) "Division" means the Division of Victim Services and Criminal Justice Programs within the Department of Legal Affairs.

(f) "Domestic violence" is defined in Section 741.28(2), F.S.

(g) "Economic loss" means wage loss, loss of support and disability.

(h) "Family or household member" is defined in Section 741.28(3), F.S.

(i) "Forcible felony" is defined in Section 776.08, F.S.

(j) "Guardian" means:

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

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

RULE NOS.:	RULE TITLES:
2A-2.002	Victim Compensation Claims
2A-2.015	Sexual Battery Relocation Assistance

PURPOSE AND EFFECT: To clarify definitions, documentation, benefits and procedures for claims, filed pursuant to the Crimes Compensation Act, and add Sexual Battery Relocation Assistance to the program.

SUMMARY: This rule provides the definitions, eligibility, application and documentation requirements and processes for victims of crime, as well as the role of the program assistants assisting the victims in the process.

#### 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: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature.



1. A person who has been appointed by the court to act on behalf of a ward's person or property, or both;

2. A court-appointed guardian of funds for a minor;

3. A relative who has temporary custody of a minor for treatment expenses; or

4. A personal representative on behalf of a mentally incompetent person with a durable power of attorney that preceded the incompetence.

(k) "Habitual felony offender" is defined in Section 775.084(1)(a), F.S.

(l) "Habitual violent felony offender" is defined in Section 775.084(1)(b), F.S.

(m) "Medical/Dental Support" means prescriptions, eyeglasses, contact lenses, dentures or any other prosthetic device which needs to be purchased or replaced as a result of the crime and which the claimant has already paid for with personal funds.

(n) "Occurrence" means the date the crime incident actually happened.

(o) "Physical injury" means bodily harm or hurt, excluding mental distress, fright, or emotional disturbance.

(p) "Proper authorities" includes child protection teams, law enforcement, state attorneys, and the Department of Children and Families.

(q) "Provider" means the entity that provides goods or services to or on behalf of the victim.

(r) "Psychiatric injury" and "psychological injury" mean emotional injury. These terms are used interchangeably.

(s) "Resident" means one who maintains his or her primary dwelling in Florida. Residency is governed by a person's intent, as evidenced by all surrounding facts and circumstances. Military personnel stationed in Florida and students shall be deemed residents.

(t) "Treatment" includes services rendered in accordance with a religious method of healing, e.g., religious practitioner and cultural healing practices that use herbal remedies.

(u) "Unjust enrichment" means the offender will benefit directly or indirectly from victim compensation assistance paid to the victim, or the victim's total payments from victim compensation and collateral sources will exceed the victim's compensable monetary losses due to the crime upon which the application is based.

(v) "Violent career criminal" is defined in Section 775.084(1), F.S.

(w) "Mental Injury" means an injury to the intellectual or psychological capacity of a child abuse victim as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range and behavior as testified to in criminal child abuse proceedings under oath by a psychologist licensed under Ch. 490, F.S., a physician who is licensed under Ch. 458 or 459, F.S., and has completed an

accredited residency in psychiatry, or a physician who has obtained expert witness certification pursuant to Section 458.3175, F.S.

(2) Application. An application for victim compensation should be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, the Capitol, Tallahassee, FL 32399-1050 or faxed to (850)487-1595, (850)487-2625, or (850)414-5779. The application must include the following information:

(a) Name, date of birth, mailing address, telephone number where claimant can be reached during the day, and email address for the victim and applicant for the individual on whose behalf benefits are sought.

(b) Optional demographic data for statistical purposes, including race and gender.

(c) A statement indicating if victim is disabled or deceased as a result of the crime.

(d) Agency name, name of agency representative, mailing address, telephone number, and email address for the person or agency assisting the claimant with the victim compensation claim.

(e) Name, mailing address, telephone number, and email address for the victim's employer(s), if the victim was employed at the time of the crime.

(f) For loss of support, the name(s) and date(s) of birth of the deceased victim's.

1. Surviving spouse;

2. Dependent parent, sibling, or child(ren); and

3. Other person who was dependent on the decedent for his or her principal support.

(g) Insurance information, including the company (carrier) name, mailing address, telephone number, email address, and policy number, and explanation of benefits statements for the following:

1. State and federal programs (i.e., Medicare, Champus, Erisa, Medicaid);

2. Homeowner's, automobile, and major medical insurance;

3. Health maintenance organization;

4. Funeral or burial insurance, and

5. Disability and/or wage replacement coverage.

(h) Name, mailing address, telephone number, fax number, and email address of the attorney who is (or will be) handling civil litigation that has been (or will be) filed as a result of the crime.

(i) Crime information:

1. Date of occurrence, location and type of crime;

2. Date reported to law enforcement, the state attorney, or the Department of Children and Families;

3. Whether crime was reported within 72 hours after occurrence;

4. Official name of the agency to which crime was reported;

5. Law enforcement report number;

6. Name, email address, and telephone number of the law enforcement officer assigned to the case; and

7. Name of offender and status in the criminal justice system, including court case number.

(j) Statements asserting serious financial hardship, authorizing release of information, and acknowledging repayment requirements and subrogation obligations.

(k) Printed name and signature of the adult who is filing the claim.

(l) The following persons can file a claim:

1. Victim or intervenor;

2. Surviving spouse, parent, adult child or sibling of a deceased victim;

3. Guardian applying on behalf of a minor victim, incompetent person, surviving minor child of a deceased victim, or surviving minor sibling of a deceased victim.

4. Relative applying on behalf of a deceased victim when there is no other source for payment of funeral expenses;

5. Non-relative applying on behalf of a deceased victim when no family member is available to apply (for funeral expenses only); or

6. Other person who was dependent for his or her principal support upon a deceased victim or intervenor (loss of support benefit only).

(3) Documentation.

(a) The claimant has the ultimate responsibility to provide information and documentation needed to support eligibility and benefits payment.

(b) The claimant must provide updated address and contact information, which shall be considered the address of record. Failure to update this information will result in denial of the claim and a loss of appeal rights.

(c) When the claim is received, the claimant may be asked to provide specific medical and financial information.

(d) When an incomplete claim is received, the department will notify the claimant at their address of record of the information needed for eligibility determination and benefits.

(e) Required information:

1. Complete and signed claim form.

2. Report from law enforcement, state attorney, or Department of Children and Families documenting that:

a. A compensable crime occurred;

b. The victim did not contribute to the infliction of his or her injury or death; and

c. The victim did not act unlawfully.

3. Proof of crime-related expenses (includes itemized bills from treatment providers).

4. Proof of third-party payments such as insurance, restitution, judgments or settlements (i.e., copy of insurance explanation of benefits, settlement agreements, court documents for restitution and judgments).

5. Proof of time missed from work as verified in writing by the treating physician and the chief executive or chief financial officer of the victim's employer. The director of personnel or director of human resources may serve as designees for the chief executive officer or chief financial officer.

6. Proof of the disability incurred as a result of the crime as verified in writing by the treating physician or a copy of the victim's social security disability benefits approval document.

(4) Filing Time. When a claim is received later than one year after the crime and less than two years after the incident, the claimant must provide an explanation for the late filing.

(a) Good cause is demonstrated when the record shows the claimant was pursuing other means of recourse or when the claimant was not emotionally, mentally, or physically able to file the claim within one year after the date of the crime.

(b) No explanation is acceptable for an adult filing a claim more than two years after the occurrence of the crime, unless Section 960.07(2)(c), 960.07(4), or 960.197(1)(b), F.S., applies.

(5) Penalty Assessments.

(a) An assessment of non-cooperation must be based on information obtained from the highest jurisdiction at the time of the assessment. If an arrest has been made and the criminal case is at the prosecution stage, the assessment of non-cooperation must be based on information obtained from the assistant state attorney. If the case is open at the local law enforcement agency, the assessment of non-cooperation must be based on information obtained from the law enforcement agency.

(b) Non-cooperation is established when the law enforcement agency or assistant state attorney informs the department in writing that the victim:

1. Failed to appear when requested by law enforcement or after proper notice from the state attorney;

2. Failed to testify or assist in the investigation and prosecution;

3. Gave false or misleading information regarding the crime without recanting; or

4. Aided the offender in his or her defense.

(c) Contributory misconduct is based on a determination by law enforcement or the state attorney that the victim's conduct contributed to his or her injury or death. The direct causal relationship between the actions of the victim and the offender must be documented by the assistant state attorney or the law enforcement agency.

(d) Penalty assessments, if imposed, will be applied only to payments made directly to the victim or claimant at the rate of 25 percent of the amount otherwise payable.

(6) Benefits.

(a) Collateral sources must be exhausted before the amount of any compensable benefit is determined.

(b) Disability benefits are available for eligible victims who suffered a permanent disability as a result of the crime.

(c) A physician must provide a written statement documenting the disability rating in accordance with the Florida Uniform Guide to Permanent Impairment Rating Schedule or the American Medical Association Guide to the Evaluation of Permanent Impairment. The disability statement from the treating physician must include the following:

1. Victim/patient's full name, date of birth, and other identifying information (e.g., social security number, patient account number);

2. Type of injury, diagnostic code(s) for the injury, whether the victim suffered a permanent disability as a result of the crime, and the permanent impairment to the body as a whole expressed as a percentage.

3. Physician's name, mailing address, email address, telephone number, fax number, and federal identification number.

4. Physician's signature and date signed.

(d) The disability allowance is calculated at \$250 per percentage point for disability of one through ten percent, and \$500 per percentage point for disability ratings of eleven percent and above.

(e) Pre-existing disability is not compensable.

(f) Wage loss benefits are available to eligible victims or claimants who missed time from work because they are/were unable to work as a result of the injuries sustained as a result of the crime. Wage loss benefits are also available to the victim's parent, when he or she misses time from work to provide immediate care to the victim.

(g) Lost wages will be paid at 66.67 percent based on the claimant's actual gross average weekly wage or the minimum or maximum gross average weekly wage provided by the Department of Financial Services for workers' compensation benefits. In no case may the wage loss payment exceed the maximum gross average weekly wage established by the Department of Financial Services.

(h) The victim or claimant must have been gainfully employed at the time of the crime.

(i) The following is needed to calculate wage loss benefits:

1. Pay stub; earnings statement; official notice to the Bureau which specifies the rate of pay, number of hours worked each week, job title, and date of hire; or most recent federal income tax return, schedule C (if self-employed).

2. Statement from treating physician including:

a. Victim's full name, date of birth, and other identifying information (e.g., social security number, patient account number);

b. Type of injury, diagnostic code(s) for the injury;

c. Dates victim was not able to work as a result of the crime;

d. Whether victim requires future treatment directly related to the injury;

e. Physician's name, mailing address, email address, telephone number, fax number, and federal identification number; and

f. Physician's signature and date signed.

3. Employment report from the victim/claimant's employer(s) that includes:

a. Employee's name, job title, and social security number (or other identifier).

b. Date hired and date terminated (if applicable).

c. Dates claimant missed work as a result of the crime.

d. Average number of hours worked per week, hourly rate (including tips, commissions, etc.), and average weekly wage if amount varies by week.

e. Name(s) of employer(s), name of supervisor, business mailing address, email address, supervisor's telephone number and fax number.

f. Printed name and title of employer's chief executive or chief financial officer or authorized designee, signature and date.

(j) When the victim was not employed at the time of the crime but was receiving unemployment compensation benefits, and because of the crime injuries the victim is not able to work or actively seek employment and is thereby no longer eligible to receive unemployment compensation benefits, the payment for lost wages will be based on the victim's non-discounted unemployment compensation benefit amount.

(k) Oral or electronic confirmation shall be obtained for the first five days' wage loss. Subsequent loss is compensable only upon receipt of written document requested herein.

(l) Loss of support benefits are available to eligible dependents of a deceased victim who was employed, or had applied for and would have been eligible for unemployment compensation benefits, at the time of the crime. Persons eligible for this benefit include:

1. Surviving spouse;

2. Dependent parent, sibling, and child(ren); and

3. A person who was dependent for his or her principal support on the deceased victim.

(m) Proof of dependency is established based on:

1. The deceased victim's federal income tax return;

2. Marriage certificate;

3. Birth certificate;

4. Copy of approval for Social Security Administration survivor benefits; or

(n) Funeral/burial expenses are compensable and may be paid to the service provider or reimbursed to the claimant when the claimant has already paid the bill. The claimant must be shown to be the party who paid the funeral expenses or the party responsible for the unpaid funeral expense. When the claimant can provide actual documentation that joint expenses exceed the claimant's income and that the expenses had been paid by the deceased. Acceptable documentation includes certified copies of financial records, lease, mortgage or other forms of mutual indebtedness for a minimum of one year preceding the occurrence of the crime.

(o) Mental health treatment (inpatient and outpatient) expenses are compensable when the treatment is directly related to the crime and when such services are rendered by a person qualified to provide mental health counseling pursuant to Chapter 458, 490, or 491, F.S., and when such treatment is rendered within one year after the date of the crime.

(p) Inpatient mental health care is limited to acute, crisis stabilization up to seven days.

(q) Minors who saw or heard the crime incident and who suffered a psychological or psychiatric injury as a result of the crime, but were not physically injured, may receive mental health care, when the law enforcement report reflects that the minor was present at the crime scene.

(r) Persons who suffered a psychological or psychiatric injury as a direct result of a forcible felony may receive mental health care, when the law enforcement report identifies the individual as a victim of the crime. This is the only benefit available to adult victims who did not suffer a physical injury or death.

(s) A surviving minor child of a deceased victim, or a minor victim who was physically injured, may receive mental health care. When multiple applicants qualify for this benefit, payment is limited to \$7,500 per claim.

(t) A surviving spouse, parent, adult child or sibling of a deceased victim may receive mental health care, provided total treatment/mental health benefits do not exceed \$7,500 per claim.

(u) When a minor receiving mental health treatment care reaches the age of 18, the adult benefit level of \$2,500 per claim is applied to the entire claim. If that benefit amount has already been paid, no further benefits are available.

(v) Treatment (medical/dental/non-medical remedial care) costs are compensable.

(w) Treatment expenses include any financial obligation or monetary outlay for crime-related medical or non-medical remedial care and other services necessary as a result of the crime for which the claimant is responsible for payment.

(x) If the provider rejects payment in full from the department, the funds may be paid to the claimant, who is then responsible for the bill.

(y) Out-of-pocket reimbursement to the claimant for payments to providers is payable at 100 percent, not to exceed total benefit limits, except when the offender would be unjustly enriched directly or indirectly. In that event, reimbursement is not compensable.

(z) Crime-related medical expenses of a deceased adult victim incurred prior to his or her death are compensable only when an eligible claimant has (or has assumed) financial responsibility for the expense.

(aa) Other reimbursable costs are:

1. Costs for interpreter services for eligible victims with (foreign) language barriers and/or hearing impairment with regard to treatment services. These costs are included in the respective maximum benefit amounts and must be identified on an itemized bill. This does not apply to interpreter costs incurred for court-related activities.

2. Medically necessary equipment (e.g., wheelchairs, oxygen tanks) and prosthetics that are damaged during the crime. When the item was damaged during the crime, the law enforcement report must specifically identify what happened to the items.

3. Transportation costs to medical appointments. An itemized bill (receipt) for transportation is needed in order for the claimant to receive reimbursement. Rental car charges may be compensable for travel to another city for medical/dental treatment. A traveler who uses an indirect route for personal convenience must bear any extra costs; reimbursement for expenses shall be based only on such charges as would have been incurred by a usually-traveled route.

4. Crime scene cleanup costs for the removal and disposal of biohazardous and/or biochemical substances following a violent crime that occurs in the private residence or conveyance of the victim. These services must be performed by a government-authorized facility within seven days after the occurrence of the crime.

(bb) When the maximum benefit amount has been reached, no further benefits are available, regardless of whether that occurs prior to or after the effective date of these rules.

(cc) Minors younger than 18 years of age who were the victim of a felony or misdemeanor offense of child abuse that resulted in a mental injury, as defined in Section 827.03, F.S., but who were not physically injured, may be eligible for mental health treatment benefits.

(7) Documentation Requirements –

(a) The claimant shall provide documentation needed to support a determination of eligibility for benefits under this rule. Failure to provide the requested information shall result in denial of the claim.

(b) A claim for compensation must include the type of benefits requested and the following:

1. Personal identification information for claimant and victim, if different;
2. Full legal name, date of birth, social security or other government-issued identification number, and relationship to victim;
3. Mailing address, including city, state and zip code where department correspondence can be received, which shall be the address of record;
4. Email address and telephone number where claimant can be reached during the day; and
5. Indication of whether victim was disabled before the crime occurred.
6. Referral information, if applicable:
  - a. Name of person who assisted claimant in completing the application;
  - b. Name of organization assisting the claimant;
  - c. Organization's mailing address, including city, state and zip code;
  - d. Email address and telephone number for person assisting claimant.
7. Employment information, if applicable:
  - a. Supervisor's name and title;
  - b. Legal name of company or business;
  - c. Employer's mailing address, including city, state and zip code; and
  - d. Supervisor's email address and telephone number.
8. An individual federal income tax return with W-2 or schedule C attachments, as appropriate.
9. Insurance and other third party payer information:
  - a. Name of insured;
  - b. Type of policy and policy number;
  - c. Name of insurance company;
  - d. Insurance company's mailing address, including city, state and zip code;
  - e. Name of insurance company adjuster or claims representative; and
  - f. Email address and telephone number for contact person at insurance company.
10. Crime information:
  - a. Date and location (street address, city, county, state) of crime;
  - b. Date crime was reported to the law enforcement or other proper authority and report number;
  - c. Name of law enforcement agency where crime was reported;
  - d. Type of crime;
  - e. Name of law enforcement officer and badge/identification number;
  - f. Name of offender;
  - g. Offender's status;
  - h. Name of assistant state attorney handling case; and

- i. Court case number.
11. Affirmative statement signed by claimant that the information provided is true and correct to the best of his or her knowledge.
12. A contractual agreement signed by the claimant or attorney to:
  - a. Reimburse the department according to the provisions of Section 960.16, F.S.;
  - b. Authorize release of information pursuant to Sections 960.05(2)(k), (l), (m) and (n), F.S.; and
  - c. Affirm whether the victim wants to invoke confidentiality pursuant to Section 119.071, F.S.
- (c) Acceptable documentation for proof that a compensable crime occurred shall include:
  1. A law enforcement report that affirms a crime occurred, regardless of whether an offender can be identified;
  2. An affidavit charging an individual with a crime filed by law enforcement;
  3. An information charging an individual with a crime filed by a state attorney;
  4. An indictment by a grand jury;
  5. A child abuse investigation report completed by a Department of Children and Families or child protection team member;
  6. Or communication from the United States Federal Bureau of Investigations for victims of human trafficking.
  7. An OAG cybercrime investigator may certify a crime for purposes of Section 960.197, F.S.
- (d) When there is an original law enforcement report showing a compensable crime occurred, the claim should be determined eligible, without regard to the offense to which the offender eventually pled or was convicted of, provided the remaining eligibility criteria are met.
- (e) Itemized bills must be submitted before payment to a provider or reimbursement to the claimant can be considered pursuant to Sections 960.13, 960.197, and 960.28, F.S. The itemized bill (invoice) should be prepared using industry standard forms (e.g., CMS-1450, 1500, J400), or on the provider's letterhead and must include the following information:
  1. Service provider/facility's name, street address, city, state and zip code, email address, and telephone number (including area code);
  2. Organization/treatment facility's mailing address;
  3. Federal tax identification number;
  - ~~4. Provider's W 9 form, if not available through the Department of Financial Services;~~
  - ~~4.5. Beginning and ending date(s) of service;~~
  - ~~6. Date of occurrence of incident for which services are provided;~~
  - ~~5.7. Name and address of individual being billed for services rendered;~~

~~6.8-~~ Revenue code, description of service, CPT or equivalent code, service date, service units, and total charges;  
~~7.9-~~ Diagnosis code, diagnosis, or nature of injury; and  
~~8.10-~~ First and last name of attending medical professional and license number.

(f) Acceptable documentation for crime-related wage loss include:

1. The claimant’s pay stub or individual earnings statement,
2. Unemployment compensation benefits statement,
3. Recent federal income tax return,
4. Quarterly federal income tax report, or
5. Document signed by the company’s chief executive or chief financial officer, on the employer’s letterhead; and
6. Document signed by a licensed physician or licensed mental health professional must be confirmed with the employer.

(g) Acceptable documentation for crime-related loss of support includes the following:

1. Deceased victim’s pay stub or individual earnings statement,
2. Unemployment compensation benefits statement,
3. Recent federal income tax return,
4. Verification of earnings from the employer on the employer’s letterhead and signed by the company’s financial or chief executive officer, or
5. Pension or retirement statement.

(h) Proof of dependency may be established by a copy of a court order for support, birth certificate, marriage certificate, or federal income tax return.

(i) Acceptable documentation for crime-related disability benefits includes an assessment in writing by a licensed physician and must be in accordance with the American Medical Association’s Guide to Evaluation of Permanent Impairment or the Florida Permanent Impairment Rating Guide.

(j) Acceptable documentation for crime scene cleanup services includes an itemized bill which provides the following:

1. Service provider/facility’s name, street address, city, state and zip code, email address, and telephone number (including area code);
2. Federal tax identification number;
3. Date(s) of service;
4. Date of occurrence of incident for which services are provided;
5. Name and address of individual being billed for services rendered; and
6. Description of service, service date, service units, and total charges.
7. Provider’s W-9 form for initial payment or when requested, if not available through the Department of Financial Services;

(k) The schedule of benefits for claims timely filed pursuant to the Crimes Compensation Act, except Sections 960.197 and 960.28, F.S., includes:

Benefit	Maximum benefit amount	Timeframe within which loss must be incurred after the date of the crime
1. Wage loss		
a. Victim	\$15,000	one year
b. Parent	\$15,000	one year
2. Disability	\$15,000	n/a
3. Loss of Support	\$25,000	n/a
4. Catastrophic Injury	\$30,000	n/a
5. Mental Health Treatment (per claim)	\$7,500	(varies)
a. Minor (until age 18) when victim is deceased	\$7,500	n/a
b. Adult when victim is deceased	\$2,500	one year
c. Adult or minor, inpatient crisis stabilization (7 days)	\$7,500	one year
d. Adult victim	\$2,500	one year
e. Minor victim (until age 18)	\$7,500	n/a
f. Minor witness	\$2,500	one year
g. Victim of forcible felony	\$2,500	one year
h. Victim of child pornography	\$7,500	n/a
i. <u>Minor victim mental injury</u>	<u>\$7,500</u>	<u>n/a</u>

6.	Medical/Dental Treatment	\$7,500	one year
7.	Funeral/Burial	\$5,000	n/a
8.	Crime Scene Cleanup	\$500	seven days
9.	Property Loss	\$500	date of the crime

(1) Total benefits paid on a single claim or after July 1, 2010, cannot exceed the \$15,000 when the victim is not deceased, \$25,000 when the victim is deceased, or \$30,000 when the victim has sustained a catastrophic injury.

Rulemaking Authority 960.045(1), 960.13(9)(b) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198 FS. History—New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03, 1-16-08, 7-1-10, \_\_\_\_\_.

2A-2.015 Sexual Battery Relocation Assistance.

(1) To be eligible for sexual battery relocation assistance, the victim must make an application through a rape crisis center in the State of Florida which has been certified by the Florida Counsel Against Sexual Violence.

(2) A certified rape crisis center representative is one who has completed specialized training provided by the department and is authorized to assist the victim in filing a claim for sexual battery relocation assistance.

(3) A certification worksheet from the rape crisis center must accompany the application for assistance. The certification worksheet can only be obtained from the certified rape crisis center. Failure to submit a properly completed certification worksheet will result in denial of benefits.

(4) The certification worksheet includes the certified rape crisis center’s name, mailing address, telephone number, facsimile number; the printed name and signature of the individual who administered the application and the date the worksheet was signed; a checklist detailing victim/applicant acknowledgements and their printed name, signature, and date; and a brief summary detailing the victim’s safety plan.

(5) By certifying the worksheet, the representative affirms that the victim reported the crime to the proper authorities and is in need of assistance for relocating based on the sexual battery crime; the cooperation of the victim with the state attorney, all law enforcement agencies, and the department; that the victim/applicant has provided personal identification; that a certified representative will be available to witness the victim’s acceptance of payment and forward a signed Notification of Recoupment Form to the department; and that documentation is included which affirms that the victim has developed a safety plan.

(6) The claim and certification should be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050; transmitted by facsimile to (850)487-1595, (850)487-2625, (850)414-5779, (850)414-5405, or

(850)414-6197; or emailed to VCIntake@myfloridalegal.com. Failure to submit a properly completed certification will result in denial of benefits.

(7) When an application for relocation is received later than one year after the crime and less than two years after the incident, the claimant must provide an explanation for the late filing.

(a) Good cause for late filing is demonstrated when the record shows the claimant was pursuing other means of recourse, did not know about the program, or when the claimant was not emotionally, mentally, or physically able to file the claim within one year after the date of the crime.

(b) No explanation is acceptable for an adult filing a claim more than two years after the occurrence of the crime under this section.

(8) The incident must be reported to the proper authorities within 72 hours after the occurrence. Exceptions for good cause include:

(a) The victim was not emotionally, mentally, or physically able to report the crime within 72 hours;

(b) The victim was in fear of the offender and this fear has been communicated to the proper authorities;

(c) The victim is a child under the age of 18; or

(d) There was no knowledge that a crime was committed prior to reporting the incident to the proper authorities.

(9) Proper authority for purposes of Section 960.199, F.S., means a child protection team, law enforcement, state attorney, or the Department of Children and Families.

(10) The claimant/applicant must:

(a) Contact the proper authorities, report the crime, fully comply with the requests of law enforcement and this office, and cooperate with the prosecution of known offenders. Exceptions for not cooperating with both the investigating and prosecuting agencies are as follows:

(i) The victim has already moved outside the geographical vicinity where he or she resided with the offender and has no means of providing sworn testimony by phone or in person;

(ii) The victim is in fear of the offender and this fear has been communicated to law enforcement or the Assistant State Attorney from the outset;

(iii) A language barrier precludes effective communication with law enforcement; or

(iv) Child victims of sexual battery crimes whose guardian refuses to cooperate.

(b) Specify how the sexual battery relocation assistance funds will be used and use monies awarded for that purpose.

(c) Certify that he or she will comply with Section 960.199 F.S.;

(d) Affirm that he or she is not residing with and will not in the future reside with the offender;

(e) Certify that the request to the department for relocation assistance is a last resort that follows all other funding sources.

(f) Submit receipts to the department within 45 days of receipt of the funds;

(g) Verify that the sexual battery was committed in the victim's place of residence or in a location that would lead the victim to reasonably fear for his or her continued safety in the place of residence; and

(h) Accept the funds at the center within 30 days of issuance;

(i) Acknowledge that criminal prosecution for fraud under Section 960.18, F.S., may be pursued if he or she has made false representations to receive the money.

(11) Proof of a sexual battery crime must come from a proper authority. A BVC430 Law Enforcement Information Reporting Form may be used instead of a complete law enforcement report to prove a crime occurred. The BVC430 Law Enforcement Reporting Form contains a checklist of the eligibility criteria and shortened narrative detailing the incident, and is available only from this department.

(12) The law enforcement report, information from the Assistant State Attorney, report from the Child Protection Team or a report from the Department of Children and Families identifying a crime was committed that meets the definition of Section 794.011, F.S., is required for a claim to be found eligible. Only sexual battery crimes will be considered compensable for purposes of this benefit.

(13) It is the responsibility of the center to obtain and review personal identification documentation before certifying a victim's need for assistance. The center is not required to forward any personal identification documentation to the department.

(14) If approved, the award will be made payable to the victim as a reimbursement or advance based on a written estimate. Payments will be forwarded to the respective certified rape crisis center. Awards will be administered based on the availability of funds. The department shall determine how those funds are disbursed. Monies paid may be made in the form of a bank card, voucher, check, electronic transmittal, state warrant, or any other method approved by the department.

(15) A certified rape crisis center representative must witness the acceptance of payment. The certified representative will be responsible for having the victim acknowledge and sign a notification of possible recoupment before providing the award to the victim. Any attempt to spend funds for unauthorized goods or services will result in withdrawal of the award. Any expense not directly related to relocation is an unauthorized expenditure. If a recoupment notice is issued because receipts were not acceptable or were not submitted,

then additional benefits on any claim will be suspended for that individual by this department until the recouped amount has been satisfied.

(16) If the victim has not accepted the funds at the center within 30 days of issue, the center shall return the funds to the department and withdraw the certification. Upon receipt of the returned funds by the department, eligibility will be withdrawn. This action does not in any way create further appeal rights.

Rulemaking Authority 960.045(1)(b) FS. Law Implemented 960.199 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michelle Crum, Chief, Bureau of Victim Compensation  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Attorney General Pam Bondi  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.0144	Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies
12A-1.055	Sale or Discontinuation of Business
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.087	Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), is to provide that charges for individuals traveling in air commerce are not subject to the tax imposed on admissions.

Effective July 1, 2012, Section 212.08(7)(hhh), F.S., as created by Section 4, Chapter 2012-117, L.O.F., provides an exemption for purchases of equipment, machinery, and other materials for renewable energy technologies obtained by a refund of previously paid sales and use tax. The purpose of the proposed creation of Rule 12A-1.0144, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for



Renewable Energy Technologies), is to provide taxpayers information on how to obtain the refund of tax paid on such items used for renewable energy technologies.

Section 213.758, F.S., created by Section 8, Chapter 2010-166, L.O.F., and amended by Section 1, Chapter 2012-55, L.O.F., provides for the transfer of tax liability. Sections 3 and 4, Chapter 2012-55, L.O.F., repeal Sections 202.31 and 212.10, F.S., respectively, regarding the sale of a business and the transfer of liability for communications services tax and for sales and use tax. The proposed repeal of obsolete Rule 12A-1.055, F.A.C. (Sale or Discontinuation of Business), is necessary to remove obsolete provisions regarding the transfer of tax liability when a dealer sells or discontinues a business.

Section 2, Chapter 2012-145, L.O.F., provides that only those sales and use tax dealers who file electronic tax returns and remit the amounts due on the returns by electronic means will continue to be entitled to a collection allowance for sales tax returns due on or after July 1, 2012. The proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to the sales and use tax returns adopted, by reference, in Rule 12A-1.097, F.A.C. (Public Use Forms), are necessary to incorporate this change.

The purpose of the proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Use for Agricultural Purposes), is to include the amendments to Section 212.08(5)(e)2., F.S., as amended by Section 8, Chapter 2012-32, L.O.F., which, effective January 1, 2013: (1) provide an exemption for electricity used in packinghouses where fruits, vegetables, or meat from cattle or hogs are prepared for market or for shipment in fresh form for wholesale distribution; and (2) expand the exemption for production or processing agricultural farm products on the farm to include packing agricultural farm products on the farm.

Section 8, Chapter 2012-32, L.O.F., which, effective January 1, 2013, reduces from 10 percent to 5 percent the increase in productive output needed for expanding businesses to qualify for a sales tax exemption for machinery and equipment. Proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), is necessary to incorporate this change.

SUMMARY: The proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), provide that charges for individuals traveling in air commerce, such as skydiving, helicopter, or untethered hot air balloon rides, are not subject to the tax imposed on admissions.

The proposed creation of Rule 12A-1.0144, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), provides how to obtain a refund of previously paid sales and use tax on purchases of equipment, machinery, and other materials for

renewable energy technologies, as provided in Section 212.08(7)(hhh), F.S., as created by Section 4, Chapter 2012-117, L.O.F.

The proposed repeal of Rule 12A-1.055, F.A.C. (Sale or Discontinuation of Business), removes the rule containing obsolete provisions relating to the transfer of liability for sales and use tax when a person transfers or quits a business that are provided in Section 213.758, F.S., as amended by Section 1, Chapter 2012-55, L.O.F.

The proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), incorporate the provisions of Section 2, Chapter 2012-145, L.O.F., which continues to allow a collection allowance for only those sales and use tax dealers who file electronic tax returns and remit the amounts due on the returns by electronic means for sales tax returns due on or after July 1, 2012.

The proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Use for Agricultural Purposes), incorporate the provisions of Section 212.08(5)(e)2., F.S., as amended by Section 8, Chapter 2012-32, L.O.F., effective January 1, 2013, including: (1) changing the rule title of the rule to reflect the inclusion of the provisions regarding electricity used for certain agricultural purposes; (2) the exemption for electricity used in packinghouses where fruits, vegetables, or meat from cattle or hogs are prepared for market or for shipment in fresh form for wholesale distribution; and (3) expanding the exemption for production or processing agricultural farm products on the farm to include packing agricultural farm products on the farm.

The proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), incorporate the provisions of Section 8, Chapter 2012-32, L.O.F., which, effective January 1, 2013, reduces from 10 percent to 5 percent the increase in productive output needed for expanding businesses to qualify for a sales tax exemption for machinery and equipment.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, updates and changes to sales and use tax returns necessary to incorporate the provisions of Section 2, Chapter 2012-145, L.O.F., which continues to allow only those sales and use tax dealers who file electronic tax returns and remit the amounts due on the returns by electronic means to claim a collection allowance for sales tax returns due on or after July 1, 2012.

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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public with tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.04(4), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0506(4), (11), 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.10(1), (2), (4), 212.11, 212.12(1), - (5), (9), (13), 212.13, 212.14(2), (4), (5), 212.15(1), 212.17, 212.18(2), (3), 212.183, 213.053, 213.235, 213.255, 213.29, 213.37, 213.755, 215.26(2), 219.07, 288.1258, 373.41492, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 616.260, 681.117, 823.14(3) FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 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 FULL TEXT OF THE PROPOSED RULE IS:

12A-1.005 Admissions.

(1) through (2) No change.

(3) TAXABLE ADMISSIONS AND PARTICIPATION FEES. The following paragraphs contain examples of admission charges that are subject to tax, unless such admissions are specifically exempt under the provisions of Section 212.04(2), F.S. This list is not intended to be an exhaustive list.

(a) through (k) No change.

(l) Charges measured on an admission or entrance or length of stay for rides on ~~helicopters~~, sightseeing trolley cars, sightseeing buses or trains, or any sightseeing or amusement ride where the participant is normally returned to the origination point are taxable. This does not apply to:

1. Charter or regularly scheduled aircraft, bus, taxi, trolley, or train travel where the passengers may disembark for shopping, dining, or other activities at points other than the origination point; or

2. Individuals traveling in air commerce, such as skydiving, helicopter, or untethered hot air balloon rides.

(m) Charges made for tethered hot air balloon rides are taxable.

(4) through (6) No change.

Rulemaking Authority 212.04(4), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03, 6-28-05, 4-26-10, 1-12-11, \_\_\_\_\_.

12A-1.0144 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

(1) Who May Claim the Refund. Any applicant who has obtained a written certification issued by the Department of Agriculture and Consumer Services is eligible for a refund. The refund is based on Florida sales and use taxes previously paid on:

(a) Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E100), and other renewable fuels, including fueling infrastructure, transportation, and storage for these fuels; and

(b) Gasoline fueling station pump retrofits for biodiesel (B10-B100), ethanol (E10-E100), and other renewable fuel distributions.

(2) Applying for the refund.

(a) To receive a refund of Florida sales and use taxes previously paid on eligible items, taxpayers must first file an application with the Department of Agriculture and Consumer Services.

(b) The required application may be obtained, without cost, at [www.freshfromflorida.com](http://www.freshfromflorida.com) or by telephone at (850)617-7470.

(3) Obtaining the refund.

(a) To obtain a refund of Florida sales and use tax previously paid on eligible items, the applicant must file a completed Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.), along with a copy of the written certification, with the Department of Revenue. Form DR-26S must be filed within 6 months from the date of the written certification issued by the Department of Agriculture and Consumer Services. Form DR-26S, with a copy of the certification letter, should be mailed to:

Florida Department of Revenue  
Refunds Process  
P. O. Box 6490  
Tallahassee, Florida 32314-6490.

(b) The amount of a refund claim is limited to the amount approved and certified by the Florida Department of Agriculture and Consumer Services.

(c) A refund will be issued within 30 days after the refund application is determined to be complete and the amount of the refund due is approved by the Department of Revenue.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(7)(hhh), 213.255 FS. History—New \_\_\_\_\_.

12A-1.055 Sale or Discontinuation of Business.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (14)(a), 212.04(6), 212.06(1), 212.07(1)(b), 212.10(1), (2), (4), 212.18(3), 213.053 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.55, Amended 2-16-93, 1-4-94, Repealed \_\_\_\_\_.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) No change.

(2) COLLECTION ALLOWANCE.

(a) A collection allowance is authorized as compensation for the prescribed record keeping, accounting for, and for the timely reporting and remitting of taxes or fees on the same documents utilized for sales and use tax and discretionary sales surtax by electronic means such seller, person, lessor, dealer, owner, and remitter shall be allowed a collection allowance.

(b)1. The collection allowance (except for dealers who make mail order sales, see subsection (5) of Rule 12A-1.103, F.A.C.) is shall be computed at the rate of 2.5 percent on the first \$1,200 of tax due. No There shall be no additional

collection allowance is authorized for tax collected in excess of \$1,200. The Therefore, the maximum amount of collection allowance authorized for any filing period for any electronic sales and use tax return is shall be \$30.

2. Dealers reporting and remitting tax by electronic means on the following returns are entitled to the collection allowance only when the electronic return is timely submitted and the amount due on the return is timely paid by electronic means:

a. Form DR-15EZ, Sales and Use Tax Return;

b. Form DR-15, Sales and Use Tax Return; or

c. Form DR-15CON, Consolidated Summary-Sales and Use Tax Return, and Form(s) DR-7, Consolidated Sales and Use Tax Return.

3. A collection allowance is not authorized for use tax reported on Form DR-15MO, Florida Tax on Purchases.

4. Forms DR-7, DR-15, DR-15CON, DR-15EZ, and DR-15MO are incorporated by reference in Rule 12A-1.097, F.A.C.

(c) Dealers operating more than one place of business and filing under a consolidated tax return by electronic means, where the consolidated return provides the monthly business activity for each location, are allowed the collection allowance for each reporting and registered location. Dealers who report tax collected within each county by electronic means using a county-control number are entitled to the collection allowance based upon the total amount reported on the county-control reporting number.

(d) The collection allowance will not be allowed when:

1. The tax reported on an electronic the return is not timely paid by electronic means or is delinquent at the time of payment;

2. The required tax return is not submitted by electronic means or is delinquent; or

3. The required electronic tax return filed is incomplete. An “incomplete return” is a return that lacks such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return, or determination of other taxes and fees reported on the return, may not be readily accomplished.

(e)1. Any dealer who files a timely return by electronic means and timely pays the amount due on the return by electronic means may elect to donate the amount of collection allowance that is allowed on that return to the Educational Enhancement Trust Fund. The revenues deposited into this trust fund will go to school districts that have adopted resolutions stating that the funds from this trust fund will be used to ensure that up-to-date technology is purchased for the classrooms in those districts and that teachers are trained in the use of the technology. Dealers who are located outside Florida or whose business is located in a county where the school district has not adopted the required resolution may also elect to donate the amount of collection allowance that is allowed on

their return to the trust fund. Funds received from these dealers will be equally distributed to school districts that have adopted the required resolutions.

2. Dealers who elect to donate their collection allowance must make an election on each electronic original return that is timely filed with the Department, ~~as provided in subsection (1).~~ The electronic payment required with the return must include the amount of collection allowance to be donated and must be timely paid ~~filed, as provided in subsection (1).~~ Dealers making the election on their electronic return should not enter the amount of collection allowance on the return. Dealers who operate two or more places of business and file an electronic ~~a~~ consolidated return, ~~as provided in paragraph (1)(f),~~ must make the election on the consolidated return (Form DR-15CON, Consolidated Summary-Sales and Use Tax Return) and should not enter the amount of collection allowance on the location returns (Form DR-7, Consolidated Sales and Use Tax Return). The amount of the collection allowance will not be transferred to the Educational Enhancement Trust Fund when a dealer makes an election to donate the amount of its allowed collection allowance but does not include that amount with its payment. ~~Form DR-15CON, Consolidate Summary-Sales and Use Tax Return, and Form DR-7, Consolidated Sales and Use Tax Return, are incorporated by reference in Rule 12A-1.097, F.A.C.~~

3. When a dealer files an electronic ~~a~~ return and timely pays the amount due ~~makes the payment required~~ with the return by electronic means ~~timely~~, the election to donate the amount of the collection allowance to the Educational Enhancement Trust Fund may not be rescinded for that return. Dealers are not permitted to file an amended return to make an election to donate the amount of the collection allowance to the trust fund when the election was not made on the original return as filed.

4. ~~When a dealer elects to transfer the~~ The election to donate the collection allowance to the Educational Enhancement Trust Fund applies only when the dealer files a timely return. The amount of collection allowance transferred to the Educational Enhancement Trust Fund, the amount transferred trust fund will be the amount remaining after resolution of any tax, interest, or penalty due, ~~when the dealer makes an election to transfer the amount of collection allowance on:~~

- a. ~~A return that is filed with the Department after the due date, as provided in subsection (1);~~
- b. ~~A return that is incomplete, as provided in this subsection; or~~
- e. ~~When the dealer underpays the amount of tax due with the return.~~

(3) through (4) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.0506(4), (11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1), (2), (3), (4), (5), 212.14(2), 212.15(1), 213.235, 213.755, 373.41492, 376.70, 376.75, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 681.117 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 9-28-04, 11-6-07, 9-15-08, \_\_\_\_\_.

12A-1.087 Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1) through (8) No change.

(9)(a) Electricity used for the production, packing, or processing of agricultural ~~farm~~ products on a farm or in a packinghouse is exempt. The exemption does not apply to electricity used in buildings or structures where agricultural products are sold at retail. "Packinghouse" means any building or structure where fruits, vegetables, or meat from cattle or hogs are packed or otherwise prepared for market or shipment in fresh form for wholesale distribution. The exemption only applies if the electricity is separately metered from the electricity used for nonexempt nonproduction ~~or nonprocessing~~ purposes. If the electricity is centrally metered and is used for both tax-exempt and taxable purposes, the purchase of the electricity is subject to tax. The indirect use of electricity, such as in employee break rooms or restrooms, repair facilities ~~sheds where farm equipment is repaired~~, or administrative offices located on a farm or in a packinghouse, qualifies for the exemption. However, when a retail establishment is located on a farm and the electricity is not separately metered from the electricity used elsewhere on the farm, the electricity is subject to tax.

(b) No change.

(c) The exemption will not be allowed unless the purchaser furnishes its utility a written certificate stating that the electricity is used on a farm for the production, packing, or processing of agricultural ~~farm~~ products, or in a packinghouse, and qualifies for the exemption under Section 212.08(5)(e)2., F.S. The following is a suggested format of an a purchaser's exemption certificate to be issued to a utility company to make tax-exempt purchases of electricity used for this purpose:

SUGGESTED PURCHASER'S EXEMPTION  
CERTIFICATE ELECTRICITY USED FOR THE  
PRODUCTION, PACKING, OR PROCESSING OF  
AGRICULTURAL PRODUCTS ON A FARM  
OR USED IN A PACKINGHOUSE

I certify that the electricity used on or after \_\_\_\_\_ (DATE) from \_\_\_\_\_ (UTILITY COMPANY) consumed through the following meter(s) is exempt from sales tax pursuant to Section 212.08(5)(e)2., Florida Statutes (F.S.), and will be:

(Check the appropriate box)

Used ~~used~~ in the production, ~~packing~~, or processing of agricultural ~~farm~~ products on a farm ~~and is exempt from sales tax pursuant to Section 212.08(5)(e)2., F.S.~~

Used in a packinghouse for packing or otherwise preparing for market, or for shipment in fresh form, for wholesale distribution ~~fruits and vegetables, or meat from cattle or hogs.~~

I certify that the electricity will not be used in a building or structure where agricultural products are sold at retail.

Meter Number(s):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I understand that if the electricity purchased does not qualify for exemption under Section 212.08(5)(e)2., F.S., then I must pay the tax on the purchase directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax, plus a mandatory penalty of 200% of the tax, and will be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in Section 775.082, 775.083, or 775.084, F.S.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

\_\_\_\_\_  
 Purchaser's Name and Title (Print or Type)

\_\_\_\_\_  
 Purchaser's Address

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

(10) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085, 823.14(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, 9-15-08,\_\_\_\_\_.

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

- (1) through (2) No change.
- (3) Expanding Business.

(a) The purchase of industrial machinery and equipment, parts and accessories, and the installation thereof, is exempt from tax when purchased by an expanding business that uses such machinery and equipment at a fixed location in this state to increase the productive output of tangible personal property that is manufactured, processed, compounded, or produced for sale by not less than 5 ~~10~~ percent, or for exclusive use in spaceport activities.

(b) No change.

(c)1. To qualify for exemption as an expanding business, the taxpayer is required to provide information to the satisfaction of the Executive Director or the Executive Director's designee that the items purchased will be or have been used to increase the productive output of the existing facility or specific product line(s) by not less than 5 ~~10~~ percent. An expanding business is allowed to specify whether the 5 ~~10~~ percent increase in productive output is for the entire plant or for specific product line(s). However, where the increase in productive output applies to a product or component that becomes part of different product lines, the increase in productive output will be determined by measuring the increase in the combined output of the different product lines. Similarly, if the additional machinery and equipment affects the productive output of more than one product line, the increase in productive output must be measured by all of the product lines that have been affected.

- a. through c. No change.
- 2. through 3. No change.
- (4) No change.
- (5)(a) through (d) No change.
- (e)1. No change.

2. An application for refund by an expanding business must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of Section 215.26(2), F.S. However, an application for refund will not be considered complete pursuant to Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund will not be approved, before the date an expanding business can substantiate that the business expansion has increased the productive output at the existing facility by not less than 5 ~~10~~ percent, or for an expanding business engaged in spaceport activities, before the date of completion of the installation of the machinery and equipment.

(6) through (9) No change.

Rulemaking Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (10)(g), (14), (19), (21), (22), 212.05, 212.06, 212.08(5)(b), (7)(xx), 212.13(2), 213.255(2), (3), 215.26(2) FS. History—New 5-11-92, Amended 7-1-99, 6-28-00, 6-19-01, 3-6-02, 4-1-08, 1-12-11,\_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00848](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00848))

(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00850](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00850))

(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00848](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00848))

(6)(a) DR-15	Sales and Use Tax Return (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00849](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00849))

(b) DR-15N	Instructions for DR-15 Sales and Use Tax Returns (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00851](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00851))

(c) DR-15EZ	Sales and Use Tax Return (R. <u>07/12 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00852](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00852))

(d) DR-15EZN	Instructions for DR-15EZ Sales and Use Tax Returns (R. <u>01/13 01/12</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00940](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00940))

(e) through (j) No change.

(7)(a) No change.

(b) DR-16P*	Sales and Use Tax Direct Pay Permit (R. <u>10/12 09/11</u> )	<u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_00939](http://www.flrules.org/Gateway/reference.asp?No=Ref-__00939))

(c) No change.

(8) through (23) No change.

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 213.755, 215.26(2), 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Parsons, Jeff Soff, or Janet Young, Tax Law Specialists, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2898-2899), to advise the public of the proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-17.001	Scope of Rules
12A-17.003	Registration
12A-17.005	Public Use Forms

PURPOSE AND EFFECT: To meet the requirements of Sections 538.09(2) and 538.25(1), F.S., and provide the information necessary for the Florida Department of Law Enforcement to complete a state and federal criminal history record check, fingerprints are now required to be submitted electronically. In addition, effective July 1, 2012, Section 1, Chapter 2012-179, L.O.F., requires any person purchasing, consigning, or trading secondhand goods at a flea market to register as a secondhand dealer and limits the exemption from the registration requirement for auction businesses to only those businesses engaged in buying and selling estates, business inventory, surplus merchandise, or liquidations.

The purpose of the proposed amendments to Rule Chapter 12A-17, F.A.C. (Registration as Secondhand Dealer or Secondary Metals Recycler), is to update the registration requirements for secondhand dealers and secondary metals recyclers.

SUMMARY: The proposed repeal of Rule 12A-17.001, F.A.C. (Scope of Rules), removes an unnecessary rule regarding the administration, enforcement, and recordkeeping requirements imposed on secondhand dealers and secondary metals recyclers that is redundant of the provisions in Section 538.11, F.S.

The proposed amendments to Rule 12A-17.003, F.A.C. (Registration), and Rule 12A-17.005, F.A.C. (Public Use Forms): (1) update procedures for secondhand dealers and secondary metals recyclers regarding fingerprinting

requirements when applying for a secondhand dealer's or secondary metals recycler's certificate of registration; and (2) include in the Registration Application for Secondhand Dealers and/or Secondary Metals Recyclers (Form DR-1S) the registration requirements for persons purchasing, consigning, or trading secondhand goods at a flea market and for auction businesses engaged in buying and selling estates, business inventory, surplus merchandise, or liquidations.

#### 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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public information on how to comply with statutory registration requirements and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 213.06(1), 538.11, 538.37 FS.  
LAW IMPLEMENTED: 213.053(9), (11), 538.09, 538.25, 538.31, 538.32, 539.002 FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 RULES IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 12A-17.001 Scope of Rules.

~~Rulemaking Specific Authority 213.06(1), 538.11, 538.37 FS. Law Implemented 538.03, 538.09, 538.32, 538.11, 538.15, 538.18, 538.22, 538.25, 538.26 FS. History—New 3-15-90, Amended 11-14-91, 8-1-02, Repealed \_\_\_\_\_.~~

#### 12A-17.003 Registration.

(1)(a) Any person, corporation, or other business entity must file a completed application package for registration as a secondhand dealer, mail-in secondhand precious metals dealer, or secondary metals recycler and obtain a certificate of registration before engaging in business as a secondhand dealer or secondary metals recycler. One application package is required for each dealer. If a dealer is engaged in business as a secondhand dealer or a mail-in secondhand precious metals dealer and a secondary metals recycler, a separate application package must be filed for each type of business. If a secondhand dealer, mail-in secondhand precious metals dealer, or secondary metals recycler is the owner of more than one business location, the application package must list each location owned by the same legal entity. The Department will issue a certificate of registration to the applicant business for each location.

(b) To apply for registration as a secondhand dealer, mail-in secondhand precious metals dealer, or secondary metals recycler, a business entity is required to provide a ~~completed registration package to:~~

~~Account Management Secondhand Dealer Unit~~

~~Florida Department of Revenue~~

~~P. O. Box 6480~~

~~Tallahassee, Florida 32314-6480.~~

~~(c) A completed registration package contains the following:~~

1. A completed Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S, incorporated by reference in Rule 12A-17.005, F.A.C.) for each business location.

2. A state and federal criminal history record check (background check). ~~A Federal Bureau of Investigation (United States Department of Justice) fingerprint card completed by a local law enforcement official for each corporate officer, owner, general partner, stockholder and/or director with a controlling interest. The completed fingerprint card is necessary for a state and federal criminal history record check (background check) to be performed by the Florida Department of Law Enforcement. Form GT-200403, Electronic Fingerprint Procedures for Secondhand Dealer and Secondary Metals Recycler Applicants (incorporated by reference in Rule 12A-17.005, F.A.C.) provides instructions for meeting completing the record check requirements fingerprint card.~~

3. ~~A full face photograph for each corporate officer, owner, general partner, stockholder and/or director with a controlling interest.~~

~~3.4.~~ A check, payable to the Florida Department of Revenue, which includes payment of the fee:

~~a.~~ The \$6 application fee required for each business location owned or leased by the applicant; and

~~b.~~ The fee imposed by the Florida Department of Law Enforcement for processing each completed fingerprint card for a state and federal criminal history record check (background check). The amount of this fee is provided at <http://www.fdle.state.fl.us>.

~~(d)~~ A registration package containing the forms required by the Federal Bureau of Investigation, the Florida Department of Law Enforcement, and the Florida Department of Revenue may be obtained, without cost, by: 1) ordering the registration package at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms) to be mailed to you; or, 2) calling the Florida Department of Revenue at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331 or (850)922-1115.

(2) through (3) No change.

(4)(a) No change.

(b) When there is a change in a general partner of a partnership, in the members of an association, joint venture, limited liability company, or other noncorporate entity, or in the corporate officers/directors who hold a controlling interest in a corporation, the new partner, new member, or new corporate officer/director must submit a state and federal criminal history record check (background check) as provided in Form GT-200403, submit:

~~1.~~ A Federal Bureau of Investigation fingerprint card completed by a local law enforcement official;

~~2.~~ A full face photograph; and

~~3.~~ A check, payable to the Florida Department of Revenue, for the fee imposed by the Florida Department of Law Enforcement for processing the state and federal criminal history record check (background check).

(5) through (6) No change.

Rulemaking Authority 213.06(1), 538.11, 538.37 FS. Law Implemented 213.053(9), (11), 538.09, ~~538.11~~, 538.25, 538.32 ~~538.26~~ FS. History--New 3-15-90, Amended 11-14-91, 4-18-93, 10-18-93, 10-17-94, 3-20-96, 8-1-02, 9-15-08, 6-1-09, \_\_\_\_\_.

12A-17.005 Public Use Forms.

(1)(a) No change.

(b) Renewal applications specifically denoted by an asterisk (\*) are issued by the Department to holders of current certificates of registration as a secondhand dealer or a secondary metals recycler. A copy of a renewal application may be obtained by written request directed to:

Florida Department of Revenue  
Taxpayer Services

5050 W. Tennessee St., Mail Stop 3-2000 Bldg. 1  
Tallahassee, Florida 32399-0112

Form Number	Title	Effective Date
(2) DR-1S	Registration Application for Secondhand Dealers and/or Secondary Metals Recyclers	(R. <u>07/12 07/09</u> ) <u>01/10</u>
(3) *DR-1SR	Renewal Application for Secondhand Dealers and/or Secondary Metals Recyclers	(R. <u>07/12 07/09</u> ) <u>01/10</u>
(4) GT-200403	<u>Electronic Secondhand Dealers and/or Secondary Metals Recyclers Fingerprint Procedures for Secondhand Dealer and Secondary Metals Recycler Applicants Card Instructions</u>	(R. <u>03/12 07/09</u> ) <u>01/10</u>

Rulemaking Authority 213.06(1), 538.11, 538.37 FS. Law Implemented 538.09, ~~538.11~~, 538.25, 538.31, 538.32, ~~538.36~~, ~~538.37~~, 539.002 FS. History--New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, 9-15-08, 1-11-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2903-2904), to advise the public of the proposed changes to Rule Chapter 12A-17, F.A.C. (Registration as Secondhand Dealer or Secondary Metals Recycler), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-19.010	Registration
12A-19.041	Sales of Communications Services to a Residential Household



12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods

12A-19.100 Public Use Forms  
 PURPOSE AND EFFECT: Effective July 1, 2012, sections 2 and 6, Chapter 2012-70, L.O.F.: (1) redefine “cable service” as “video service”; (2) provide that communications services dealers who utilize one of the approved methods for assigning service addresses to a local jurisdiction cannot be denied the dealer’s collection allowance solely as a result of incorrect address assignments; and (3) provide when communications services dealers may be held liable for the net aggregate underpayment of tax and associated interest and penalties for incorrectly assigning a service address to a local taxing jurisdiction.

Sales of communications services to transient public lodging establishments, as defined by Section 509.013, F.S., are subject to tax. Effective October 1, 2012, Chapter 2012-165, L.O.F., revises the definition of “public lodging establishments” in Section 509.013, F.S., to remove roominghouses, boardinghouses, or other living or sleeping facility not otherwise classified as a hotel, motel, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under Section 509.242, F.S.

The purpose of the proposed amendments to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), is to update the communications services tax rules to reflect the changes made by Chapters 2012-70 and 2012-165, L.O.F., and to adopt, by reference, updates to the local jurisdiction tax rates on the communications services tax return.

SUMMARY: The proposed amendments to Rule 12A-19.010, F.A.C. (Registration), and Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), update the references from “cable service” to “video service.”

The proposed amendments to Rule 12A-19.041, F.A.C. (Sales of Communications Services to a Residential Household), update the references from “cable service” to “video service” and to remove “roominghouses” as an example of a transient public lodging establishment.

The proposed amendments to Rule 12A-19.070, F.A.C. (Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods), incorporate the provisions of Chapter 2012-70, L.O.F.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), incorporate the provisions of Chapter 2012-70, L.O.F., and adopt, by reference, updates to the tax returns to include local communications services tax rates that will become effective January 1, 2013.

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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing for the collection allowance and locally-imposed tax rates for the communications services tax, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.17(3)(a), 202.22(6)(a), 202.26(3), 202.27(1), (7), 202.28(1) FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(1), (3), (5), (8), (10)-(13), 202.12(1), (3), 202.125(1)-(4), 202.13(2), 202.151, 202.16(2), (4), 202.17(1)-(4), (6), 202.19(1), (7), (10), 202.22(1), (4)- (6), (8), 202.23, 202.26(2), 202.27, 202.28, (2), 202.29, 202.30(3), 202.33, 202.34(1)(a), (3), (4)(c), 202.35(1)-(4) FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 IS: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.010 Registration.

(1) through (2) No change.

(3)(a) No change.

(b) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c).

(c) through (d) No change.

(4) No change.

Rulemaking Authority 202.17(3)(a), 202.22(6)(a), 202.26(3)(e), (h) FS. Law Implemented 202.11(1), (5) (2), (6), (8), (12), (13), 202.12(1)(b), 202.17(1)-(4), 202.22(6)(a), 202.27(6) FS. History—New 1-31-02, Amended 4-17-03, 7-16-06, \_\_\_\_\_.

12A-19.041 Sales of Communications Services to a Residential Household.

(1) No change.

(2) APPLICATION OF TAX.

(a) through (b) No change.

(c) The partial exemption for sales to a residential household does not apply to:

1. Sales of any video cable service, as defined in Section 202.11(24)(4), F.S.;

2. Sales of any direct-to-home satellite service, as defined in Section 202.11(4)(5), F.S.; and

3. Sales of mobile communications services, as defined in Section 202.11(7), F.S.

(3) TRANSIENT PUBLIC LODGING ESTABLISHMENTS. The partial exemption for sales to residential households does not apply to sales to any residence that constitutes all or part of a transient public lodging establishment, as defined by Section 509.013, F.S.

(a) through (c) No change.

(d) Transient public lodging establishments are rented to guests whose occupancy is intended to be temporary. Examples of transient public lodging establishments include hotels, motels, bed and breakfast inns, transient apartments, ~~transient rooming houses~~, and vacation rentals.

(4) through (5) No change.

Rulemaking Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History—New 1-31-02, Amended 2-7-11, 1-25-12, \_\_\_\_\_.

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the effective communications services tax Address/Jurisdiction Database, which is the official electronic database maintained by the Department that is posted 90 days prior to its adoption and becomes effective every January 1 and July 1, as discussed in Rule 12A-19.071, F.A.C. ~~Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.~~

(b)1. In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who does not use a method as described in paragraph (2)(a) and has failed to assign one or more a service addresses address to the correct local taxing jurisdiction, the Department will take into account all underpayments and overpayments of the local tax any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. ~~The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction.~~

2. The dealer will be held liable for the net aggregate underpayment of tax and associated interest and penalties for incorrectly assigning one or more service addresses when:

a. The dealer does not use or employ one or more of the methodologies described in paragraph (2)(a) for assigning service addresses to local taxing jurisdictions;

b. The Department determines that there are misallocations of the local communications services taxes collected by the dealer between local taxing jurisdictions during the tax period(s) examined; and

c. The dealer’s assignment of service addresses to local taxing jurisdictions results in a combined net aggregate underpayment of local communications services tax during the tax period(s) examined.

3. In addition, a specific penalty of 10 percent of any tax collected but reported to an incorrect jurisdiction as a result of an incorrect address assignment, not to exceed \$10,000 per return, will be imposed on any dealer that does not use a database described in paragraph (2)(a).

(c) No change.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one or more of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;
2. A database that has been certified by the Department, as provided in Rule 12A-19.072, F.A.C.;
3. An enhanced zip code method, as discussed in Rule 12A-19.073, F.A.C.; or
4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Rule 12A-19.072, F.A.C.

(b) through (e) No change.

(3) Collection Allowance.

(a) Any communications services dealer that employs one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies and will not be denied the collection allowance solely because the dealer assigned one or

more addresses to an incorrect local taxing jurisdiction. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) through (c) No change.

Rulemaking Authority 202.26(3)(b), (f), (g), 202.28(1) FS. Law Implemented 202.22(1), (4), (5), (6), (8), 202.23, 202.28, 202.34(1)(a), 202.35(3) FS. History—New 11-14-05, Amended 12-20-07, \_\_\_\_\_.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department’s electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/13	<u>January 2013 –</u>	<u>January 1, 2013 –</u>
07/12	<u>July 2012 – December 2012</u>	<u>July 1, 2012 – December 31, 2012</u>
01/12	<u>January 2012 – June 2012</u>	<u>January 1, 2012 – June 30, 2012</u>
07/11	<u>July 2011 – December 2011</u>	<u>July 1, 2011 – December 31, 2011</u>
01/11	<u>January 2011 – June 2011</u>	<u>January 1, 2011 – June 30, 2011</u>
08/10	<u>August 2010 – December 2010</u>	<u>August 1, 2010 – December 31, 2010</u>
01/10	<u>January 2010 – July 2010</u>	<u>January 1, 2010 – July 31, 2010</u>
06/09	<u>June 2009 – December 2009</u>	<u>June 1, 2009 – December 31, 2009</u>
01/09	<u>January 2009 – May 2009</u>	<u>January 1, 2009 – May 31, 2009</u>
09/08	<u>September 2008 – December 2008</u>	<u>September 1, 2008 – December 31, 2008</u>
06/08	<u>June 2008 – August 2008</u>	<u>June 1, 2008 – August 31, 2008</u>
05/08	<u>May 2008</u>	<u>May 1, 2008 – May 31, 2008</u>
01/08	<u>January 2008 – April 2008</u>	<u>January 1, 2008 – April 30, 2008</u>
09/07	<u>September 2007 – December 2007</u>	<u>September 1, 2007 – December 31, 2007</u>
06/07	<u>June 2007 – August 2007</u>	<u>June 1, 2007 – August 31, 2007</u>
02/07	<u>February 2007 – May 2007</u>	<u>February 1, 2007 – May 31, 2007</u>
01/07	<u>January 2007</u>	<u>January 1, 2007 – January 31, 2007</u>
06/06	<u>June 2006 – December 2006</u>	<u>June 1, 2006 – December 31, 2006</u>
01/06	<u>January 2006 – May 2006</u>	<u>January 1, 2006 – May 31, 2006</u>
11/05	<u>November 2005 – December 2005</u>	<u>November 1, 2005 – December 31, 2005</u>
06/05	<u>June 2005 – October 2005</u>	<u>June 1, 2005 – October 31, 2005</u>
01/05	<u>January 2005 – May 2005</u>	<u>January 1, 2005 – May 31, 2005</u>
11/04	<u>November 2004 – December 2004</u>	<u>November 1, 2004 – December 31, 2004</u>

10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number Title Effective Date

(3) No change.

(4)(a) DR-700016 Florida Communications Services Tax Return (R. 01/13) \_\_\_\_\_

(b) DR-700016 Florida Communications Services Tax Return (R. 07/12) \_\_\_\_\_

(a) through (ii) renumbered (c) through (kk) No change.

(5) DR-700019 Communications Services Use Tax Return (R. 07/12 ~~08/10~~) \_\_\_\_\_ 02/11

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00089](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00089)

(6) through (12) No change.

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.22(6)(a), 202.26(3)(a), (c), (d), (e), (j), 202.27(1), (7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10 (3), 6-28-10 (5), 2-7-11, 1-25-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2904-2905), to advise the public of the proposed changes to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.: RULE TITLES:  
 12B-5.020 Definitions; Specific Exemptions  
 12B-5.130 Refunds  
 12B-5.150 Public Use Forms

PURPOSE AND EFFECT: Section 13, Chapter 2012-117, L.O.F., effective July 1, 2012, defines the term “alternative fuel.” The purpose of the proposed amendments to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), is to: (1) update the definitions that define the term “alternative fuel,” as amended by section 13, Chapter 2012-117, L.O.F.; (2) clarify that motor fuel used in motor vehicles licensed as goats qualifies for a refund of the highway fuel taxes paid; and (3) update changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions), update the definition of “gasohol” to be consistent with the definition of alternative fuel.

The proposed amendments to Rule 12B-5.130, F.A.C. (Refunds), clarify that, consistent with the provisions of Section 206.41(4)(c)2., F.S., motor fuel used in motor vehicles licensed as goats qualifies for a refund of the highway fuel taxes paid.

The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

**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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for updating administrative rules to reflect statutory definitions and to update tax returns relating to fuels and pollutants tax, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 206.14(1), 206.485(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.62, 206.64, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.97, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 215.26, 526.203 FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.020 Definitions; Specific Exemptions.

(1) DEFINITIONS.

(a) through (e) No change.

(f) "Gasohol" means a mixture of gasoline blended with ethanol or gasoline blended with an alternative fuel, as defined in Section 526.203, F.S. and includes what is commonly known and sold as ethanol blended fuel, which contains not

more than 91 percent gasoline by volume, and the ethanol or alternative fuel content must not be less than nine percent by volume.

(g) through (k) No change.

(2) No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 213.06(1), 526.206 FS. Law Implemented 206.41(4)(b), 206.62, 206.874, 206.97, 526.203 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09,\_\_\_\_\_.

12B-5.130 Refunds.

(1) FUEL USED FOR AGRICULTURAL, AQUACULTURAL, COMMERCIAL FISHING, AND COMMERCIAL AVIATION PURPOSES.

(a)1. Any person who purchases motor fuel used in any tractor, vehicle, or other equipment that is used exclusively on a farm for planting, cultivating, harvesting, or processing farm products for sale, may obtain a refund of local option, state comprehensive enhanced transportation system, and fuel sales taxes paid under Sections 206.41(1)(e), (f), and (g), F.S. This provision includes motor vehicles licensed as a "goat," as provided in Section 320.08(3)(d), F.S.

2. through 3. No change.

(b) through (c) No change.

(2) through (5) No change.

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.41(4), (5), 206.43(5), (6), 206.64, 206.8745, 206.97, 213.255(2), (3), 215.26 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 1-27-09, 6-1-09, 7-20-11, 1-25-12,\_\_\_\_\_.

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – <u>Agricultural Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes</u>	(R. <u>01/13 01/12</u> ) <u>01/12</u>

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00853](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00853))

(3) through (9) No change.

(10) DR-160	Application for Fuel Tax Refund – Mass Transit System Users	(R. <u>01/13 01/12</u> ) <u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00855](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00855))

(11) through (13) No change.

(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00856">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00856</a> )		( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00879">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00879</a> )	
(15) No change.		(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00865">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00865</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00857">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00857</a> )		(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00880">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00880</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00858">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00858</a> )		(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(18) DR-191	Application for Aviation Fuel Refund – Air Carriers (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00866">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00866</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00859">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00859</a> )		(31) DR-309636	Terminal Operator Information Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(19) DR-248	<del>2012</del> Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <del>11/12</del> <del>11/11</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00867">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00867</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00941">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00941</a> )		(32) DR-309636N	Instructions for Filing Terminal Operator Information Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(20) DR-904	Pollutants Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00868">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00868</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00860">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00860</a> )		(33) DR-309637	Petroleum Carrier Information Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(21) DR-309631	Terminal Supplier Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00869">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00869</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00864">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00864</a> )		(34) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00870">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00870</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00862">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00862</a> )		(35) DR-309638	Exporter Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00871">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00871</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00877">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00877</a> )		(36) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00872">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00872</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00863">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00863</a> )		(37) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with Instructions) (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00873">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00873</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00878">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00878</a> )		(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>
(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. <del>01/13</del> <del>01/12</del> ) _____ <del>01/12</del>	( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00874">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00874</a> )	
( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00864">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00864</a> )			

~~(39)~~ DR-309645 2012 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/12) 01/12

([http://www.flrules.org/Gateway/reference.asp?No=Ref\\_\\_\\_00875](http://www.flrules.org/Gateway/reference.asp?No=Ref___00875))

~~(39)~~(40) DR-309660 Application for Pollutants Tax Refund (R. 01/13 01/12) 01/12

([http://www.flrules.org/Gateway/reference.asp?No=Ref\\_\\_\\_00876](http://www.flrules.org/Gateway/reference.asp?No=Ref___00876))

~~(40)~~(41) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10, 1-12-11, 7-20-11, 1-25-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6745

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2906-2907), to advise the public of the proposed changes to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-8.002	Tax on Wet Marine and Transportation Insurance
12B-8.003	Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12B-8, F.A.C. (Insurance Premium Taxes, Fees and Surcharges), is to repeal a rule redundant of Section 624.510, F.S., and to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

SUMMARY: The proposed repeal of Rule 12B-8.002, F.A.C. (Tax on Wet Marine and Transportation Insurance), removes an unnecessary rule that is redundant of Section 624.510, F.S.

The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), adopts, by reference, changes to forms used by the Department in the administration of the insurance premium taxes, fees, and surcharges.

**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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for updating forms relating to the administration of insurance premium tax, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.5094, 624.510, 624.5105, 624.51055, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 RULES IS: Terrence Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6196

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-8.002 Tax on Wet Marine and Transportation Insurance.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented ~~624.510, 213.05, 624.509, 511, 624.5092~~ FS. History–New 2-3-80, Formerly 12B-8.02, Amended 3-25-90, 12-9-97, Repealed \_\_\_\_\_.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (3) No change.

Form Number	Title	Effective Date
(4)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/13 01/12</u> )	___ <u>01/12</u>

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00826](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00826))

(b) DR-907N	Instructions for Filing Insurance Premium Installment Payment (Form DR-907) (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00826](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00826))

(5)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <del>2012 2011</del> (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00827](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00827))

(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00828](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00828))

(6) DR-350900	<del>2012 2011</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
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([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00829](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00829))

Rulemaking Authority 213.06(1) FS. Law Implemented 92.525, 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS. History–New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 1-12-11, 1-25-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrence Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6196

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2908), to advise the public of the proposed changes to Rule Chapter 12B-8, F.A.C. (Insurance Premium Taxes, Fees and Surcharges), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.:	RULE TITLES:
12C-1.0191	Capital Investment Tax Credit Program
12C-1.0193	Florida Renewable Energy Production Credit
12C-1.0221	Returns, Notices, and Elections; Signing and Verification
12C-1.051	Forms

PURPOSE AND EFFECT: Section 1, Chapter 2011-223, L.O.F., allows certain unused capital investment tax credits to be carried forward through the 30th tax year after commencement of operations. The proposed amendments to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), are necessary to include this provision in the rule.

Section 7, Chapter 2012-117, L.O.F., effective July 1, 2012, requires an application to be filed with the Department of Agriculture and Consumer Services for an allocation of an annual tax credit against corporate income tax based on the



taxpayer's production and sale of electricity from a Florida renewable energy facility. The proposed amendments to Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit), and to Rule 12C-1.051, F.A.C. (Forms), are necessary to: (1) update the Department's rules to include the provisions of Section 7, Chapter 2012-117, L.O.F., and provide that applications for the credit will be filed with the Department of Agriculture and Consumer Services; and (2) remove the obsolete application for the tax credit previously submitted to the Department of Revenue.

The proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), are necessary to adopt, by reference, updates to Treasury Department Circular Number 230.

SUMMARY: The proposed amendments to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), provide when unused capital investment tax credits may be carried forward through the 30th tax year after commencement of operations.

The proposed amendments to Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit): (1) update the Department's rules to reflect the changes provided in Section 7, Chapter 2012-117, L.O.F., which require that applications for the credit be filed with the Department of Agriculture and Consumer Services; and (2) remove the obsolete application for the tax credit previously submitted to the Department of Revenue.

The proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), adopt, by reference, updated Treasury Department Circular Number 230.

The proposed amendments to Rule 12C-1.051, F.A.C. (Forms): (1) remove the obsolete application for the Florida Renewable Energy Production Credit; (2) adopt, by reference, updates to the form used for notifying the Department of Revenue of a transfer of a Florida Energy Tax Credit; and (3) adopt, by reference, updates to Florida corporate income tax returns and instructions.

#### 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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for the administration of the corporate income tax

credits, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 213.06(1), 220.191(8), 220.192(5), (7), 220.193, 220.196(4), 220.51, 1002.395(13) FS.

LAW IMPLEMENTED: 119.071(5), 212.08(5)(p), 213.35, 213.755, 220.02(3), (8), 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.196, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.5105, 624.51055, 1002.395 FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 RULES IS: Jennifer Ensley, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7659

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.0191 Capital Investment Tax Credit Program.

(1)(a) No change.

(b)L. The maximum annual amount of Capital Investment Tax Credit is limited to 5 percent of the certified eligible capital costs of the qualifying project, for a period not to exceed 20 years, beginning with the commencement of the project's operations. The tax credit may not be carried forward or backward, except as noted in subparagraph 2. The sum of all capital investment tax credits cannot exceed 100 percent of the eligible capital costs of the project.

2. A carryover of credit is available for a qualifying business that invested at least \$100 million and is eligible to claim the credit against 100 percent of its corporate income tax liability pursuant to Section 220.191(2)(a)1., F.S. Unused credits from the 20-year credit period may be claimed in the 21st through 30th tax years after commencement of operations of such qualifying business, as long as the unused amount results from an insufficient tax liability on the part of the qualifying business.

(2) through (6) No change.

Rulemaking Authority 213.06(1), 220.191(8), 220.51 FS. Law Implemented 220.191 FS. History—New 8-4-05, Amended 4-5-07, 4-26-10,\_\_\_\_\_.

12C-1.0193 Florida Renewable Energy Production Credit.

(1) A Florida Renewable Energy Production Credit is provided in Section 220.193, F.S., for the sale of electricity from a new Florida renewable energy facility operationally placed in service after May 1, 2006, and for increases of more than five percent (5%) in the production and sale of electricity from renewable energy sources at an existing Florida renewable energy facility. The terms “sale” and “sold” include the use of electricity by the producer of such electricity from renewable sources if such use reduces the amount of electricity that the producer would otherwise have to purchase. To claim the credit, An application an Application for Florida Renewable Energy Production Credit Allocation (Form F-1193, incorporated by reference in Rule 12C-1.051, F.A.C.), must be filed with the Department of Agriculture and Consumer Services on or before February 1 of each year for an allocation of credit. The allocation of credit is based upon the applicant’s increased production and sales of electricity and the increased production and sales of all applicants. On or before March 1 of each year, the Department of Agriculture and Consumer Services will notify eligible taxpayers by letter of the certified amount of credit that is allocated to them and the tax year in which the taxpayer may claim the credit on its Florida corporate income tax return. A copy of the certification this letter must be attached to the taxpayer’s Florida corporate income tax return on which the credit is taken.

~~(2) Taxpayers that increase both production and sales of renewable electrical energy by more than five percent (5%) over the 2005 calendar year for each expanded Florida renewable energy facility may submit one application each year for each qualifying facility. For a new Florida renewable energy facility, the credit is based on the taxpayer’s sale of the facility’s entire electrical production. A taxpayer may not transfer its right to apply for a credit to another taxpayer. Florida Renewable Energy Production credits may only be taken once against the Florida corporate income tax, may not be carried back to an earlier tax year, and must be taken in the order prescribed in Section 220.02(8), F.S. A taxpayer claiming the credit on its Florida corporate income tax return must add back the amount of the credit to its Florida net~~

~~income. Credit amounts that are not granted in full or in part due to the annual \$5 million limitation are not eligible for a Florida Renewable Energy Production credit in later years.~~

~~(2)(3) The Florida Renewable Energy Production Credit may be transferred in a merger or acquisition. In addition, unused credits may be transferred one time (outside a merger or acquisition) to another taxpayer in whole or in increments of not less than 25 percent of the remaining credit. Taxpayers are required to file a Notice of Intent to Transfer A Florida Energy Tax Credit (Form F-1193T, incorporated by reference in Rule 12C-1.051, F.A.C.) to transfer the unused renewable energy production credits available for transfer. The transfer must be verified by the Department prior to the transferee claiming the credit. Within 15 days of receipt of a completed Form F-1193T, the Department will notify the transferor and the transferee by letter of the amount of tax credit authorized for transfer. A copy of the letter from the Department allowing the transfer must be attached by the transferee to the Florida Corporate Income/Franchise and Emergency Exeise Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) on which the credit is claimed. The transfer of a credit does not affect the time for taking the credit, and the credit is subject to the same limitations imposed on the transferor.~~

~~(3)(4) Every taxpayer claiming a Florida Renewable Energy Production Credit must retain documentation that substantiates and supports the credit, a copy of the certification letter received from the Department of Agriculture and Consumer Services certifying the amount of granting the credit, a schedule reconciling all credit carryovers, transfers, and sales, a schedule tracking the credit amounts allocated and the use of such credits, and, if applicable a copy of the letter from the Department allowing the transfer until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Documentation to substantiate and support the credit includes: production records or other evidence of the amount of electricity produced; evidence of the increase in production and sales of electricity over the 2011 2005 calendar year by an expanded facility; and evidence establishing that the electricity was produced from renewable energy.~~

Rulemaking Authority 213.06(1), 220.193, 220.51 FS. Law Implemented 213.35, 220.02(8), 220.03(1), 220.131, 220.193, 220.21 FS. History—New 4-26-10, Amended \_\_\_\_\_.

12C-1.0221 Returns, Notices, and Elections; Signing and Verification.

(1)(a) through (b) No change.

(c) Form F-7004 shall be signed by a person authorized by the taxpayer to request such extension. Such person must be an individual authorized under paragraph (a) or (b) to sign the taxpayer’s return; a person currently enrolled as an agent under Treasury Department Circular Number 230 (Rev. 8-2011 6-2005, herein incorporated by reference, Effective \_\_\_ 01/08) to practice before the Internal Revenue Service; an attorney

who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

- (d) through (e) No change.
- (2) through (5) No change.

Rulemaking Authority 213.06(1), 220.51 FS. Law Implemented 213.755, 220.221, 220.23(2)(a) FS. History—New 3-5-80, Amended 12-18-83, Formerly 12C-1.221, Amended 12-21-88, 4-8-92, 1-28-08, 4-26-10,\_\_\_\_\_.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

- (b) No change.

Form Number	Title	Effective Date
(2) F-851	Corporate Income/Franchise <del>and Emergency Excise Tax</del> Affiliations Schedule (R. <u>01/13 01/10</u> )	___ <u>01/10</u>
(3)(a) F-1065	Florida Partnership Information Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00834">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00834</a>		
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00832">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00832</a>		
(4) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00833">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00833</a>		
(5)(a) F-1120	Florida Corporate Income/Franchise <del>and Emergency Excise Tax</del> Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00834">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00834</a>		
(b) F-1120N	F-1120 Instructions – Corporate Income/Franchise <del>and Emergency Excise Tax</del> Return for taxable years beginning on or after January 1, <u>2012 2011</u> (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00835">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00835</a>		
(6) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise Tax For Taxable Year Beginning on or after January 1, <u>2013 2012</u> (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00836">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00836</a>		

(7)(a) F-1120X	Amended Florida Corporate Income/Franchise <del>and Emergency Excise Tax</del> Return (R. <u>01/13 01/10</u> )	___ <u>01/10</u>
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise <del>and Emergency Excise Tax</del> Return (R. <u>01/13 01/10</u> )	___ <u>01/10</u>
(8) F-1122	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income <del>and Emergency Excise Tax</del> Return (R. <u>01/13 01/09</u> )	___ <u>01/09</u>
(9) through (10) No change.		
(11)(a) F-1193	<del>Application for Florida Renewable Energy Production Credit Allocation (R. 01/11)</del>	<del>01/11</del>
(b) F-1193T	Notice of Intent to Transfer A Florida Energy Tax Credit (R. <u>07/12 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00837">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00837</a>		
(12) F-2220	Underpayment of Estimated Tax on Florida Corporate Income/Franchise <del>and Emergency Excise Tax</del> (R. <u>01/13 01/09</u> )	___ <u>01/09</u>
(13) F-7004	Florida Tentative Income/Franchise <del>and Emergency Excise Tax</del> Return and Application for Extension of Time to File Return (R. <u>01/13 01/12</u> )	___ <u>01/12</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-___00838">http://www.flrules.org/Gateway/reference.asp?No=Ref-___00838</a>		

Rulemaking Authority 213.06(1), 220.192(7), 220.193(4), ~~220.196(4)~~, 220.51, 1002.395(13) FS. Law Implemented 119.071(5), 212.08(5)(p), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.19, 220.191, 220.192, 220.193, 220.194, 220.195, 220.196, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.5105, 624.51055, 1002.395 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12)(a),(b), 4-26-10(13)(a),(b), 6-28-10, 1-12-11, 6-6-11, 1-25-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Ensley, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7659  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2910), to advise the public of the proposed changes to Rule Chapter 12C-1, F.A.C. (Corporate Income Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.:	RULE TITLES:
12C-2.004	Property Subject to Tax – Government Leasehold Estates and Nonrecurring
12C-2.010	Valuations
12C-2.0115	Public Use Forms

PURPOSE AND EFFECT: Sections 1 and 2, Chapter 2012-32, L.O.F., expanded the public purpose exemption from ad valorem taxes to the governmental leasehold intangible tax. The exemption applies retroactively to all governmental leaseholds in existence on January 1, 2011. The purpose of the proposed amendments to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), is to include the provisions of Sections 1 and 2, Chapter 2012-32, L.O.F., and to adopt, by reference, changes to the tax return used to report the annual tax on governmental leasehold estates.

SUMMARY: The proposed amendments to Rule 12C-2.004, F.A.C. (Property Subject to Tax – Governmental Leasehold Estates and Nonrecurring), Rule 12C-2.010, F.A.C. (Valuations), and to Rule 12C-2.0115, F.A.C. (Public Use Forms): (1) include the provisions of Sections 1 and 2, Chapter 2012-32, L.O.F.; (2) provide that the Valuation Factor Tables used to calculate the annual tax on governmental leasehold estates will be published annually in Taxpayer Information Publications and posted to the Department’s Internet site; and (3) adopt, by reference, updates to the tax return used to report the annual tax on governmental leasehold estates that reflect law changes and remove provisions that limit the tax return to a single tax year.

**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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities with the administration of the governmental leasehold estates, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7), 199.133, 199.135 (2005), 199.143, 199.145, 199.155, 199.183, 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS.

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

DATE AND TIME: October 24, 2012, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, 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 RULES IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

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

12C-2.004 Property Subject to Tax – Governmental Leasehold Estates and Nonrecurring.

(1) Tax on Governmental Leasehold Estates – All leases of government-owned property are subject to an annual tax if rental payments are due as consideration for the lease, unless the lessee serves or performs a governmental, municipal, or public purpose or function as defined in Section 196.012, F.S. ~~(The tax is imposed every year.)~~

(2) through (4) No change.

Rulemaking Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(a), (b), 199.133, 199.135 (2005), 199.143, 199.145, 199.155, 199.183 FS. History—New 4-17-72, Revised 12-20-73, Amended 5-8-79, Formerly 12C-2.04, Amended 11-21-91, 5-18-93, 10-9-01, 1-28-08,\_\_\_\_\_.

12C-2.010 Valuations.

(1) Leases of Governmental Property.

(a) The value of a lease of governmental property described in subsection 12D-3.003(3), F.A.C., is determined by valuing the lease payments for the remaining term of the lease on January 1 of the tax year, subject to the following provisions:

1. The lease payments to be valued do not include any amount for taxes, interest, insurance, repairs, maintenance, exclusive franchise or concession fees, costs of utilities, or similar charges required to be paid the lessor, and include only the amount paid by the lessee for the use of real or tangible property provided or owned by the governmental lessor, whether designated as a fixed sum, a percentage, or a variable amount.

2. If lease payments are nominal amounts, such as \$1 or \$10 per year, or the payments are significantly less than a fair market rental for the property, the annual fair market rent which would be paid by the lessee in the open market for comparable property under similar terms and circumstances will be the lease payment to be valued.

3. If payments required by the lease are based on some factor other than the passage of time, such as a percentage of sales or profits, the lease payment to be valued will be based on the average annual rent actually paid by the lessee in prior years, providing the amount so determined is not nominal or significantly less than the fair market rental for the property. The average annual rental used will be determined from the amounts paid by the lessee for a period not to exceed the previous five years. If the average so determined is nominal or is significantly less than fair market value for the property, the lease payment to be discounted will be the annual fair market rental for the property.

4. Otherwise, the annualized ~~analyzed~~ lease payment required under the lease is the amount to be valued. The valuation factors to be used are ~~shall be~~ based on the Federal Reserve discount rate – Atlanta – on the last business day of the preceding year, plus one percent. Valuation Factor Tables determined by the Department based on that discount rate, plus one percent, are annually published in a Taxpayer Information Publication and posted to the Department’s Revenue Law Library at www.myflorida.com/dor.

5. The period for which the lease payments are to be valued is ~~shall be~~ the number of years remaining under the lease, exclusive of renewal options, as of January 1 of the tax year. The year in which the lease will expire is to ~~shall be~~ considered a full year for the purpose of this rule.

6. If the final period for which the lease payment is to be valued is less than a year, the lease payment is to ~~shall be~~ valued using the 1 year value factor and the tax apportioned based on the number of months during the year that the lease is in effect.

(b) through (c) No change.

(2) No change.

~~Rulemaking Specific~~ Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b), 199.155 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 8-8-78, 12-31-80, Formerly 12C-2.10, Amended 11-21-91, 5-18-93, 10-9-01, 1-28-08,\_\_\_\_\_.

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-601G	Governmental Leasehold Intangible Personal Property Tax Return <del>for 2012 Tax Year</del>	(R. <del>01/13</del> <u>01/12</u> )

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_00947](http://www.flrules.org/Gateway/reference.asp?No=Ref-___00947))

(3) through (5) No change.

Rulemaking Authority 199.202(2), 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.052 (2005), 199.103(7)(2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10, 2-7-11, 1-29-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2911-2912), to advise the public of the proposed changes to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.00425	Criteria for Issuance of Permits
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.012	Movement Conditions and Restrictions
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.015	Penalties

PURPOSE AND EFFECT: Rule Chapter 14-26, F.A.C., is being amended to increase the maximum loads for containerized cargo, reduce the number or types of escorts required, and clarify the requirements for permit applications.

SUMMARY: The requirements and conditions for permits are being revised.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the 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 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: 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 316.515, 316.535, 316.550 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, October 29, 2012, 8:30 a.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Deanna R. Hurt, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.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 RULES IS: Deanna R. Hurt, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5382, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

14-26.0041 Definitions and Terms.

All terms in this rule chapter shall have the same meaning as defined in Section 316.003, F.S., except that “Department” shall refer to the Department of Transportation. Additionally, the following terms are defined:

(1) “Applicant” means a person or entity requesting a permit.

(2) “Axle Spacing” means the measurement between the centers of the axles as measured from center-to-center of wheel hubs.

(3) “Escort” means a person authorized in the manner prescribed in subsection 14-26.012(3), F.A.C., to perform accompanying duties for overweight or overdimensional vehicles.

(4) “Escort Vehicles” means a vehicle independent of the permitted vehicle, equipped with a working, amber warning light located on top of the escort vehicle, and operated by a qualified escort, law enforcement escort, or any combination shown in Rule 14-26.012, F.A.C.

(5) “Excluding Weekends and Holidays” means movement on Saturday and Sunday is limited to the period of time beginning one-half hour before sunrise and ending at 12:00 Noon, and is prohibited all day on New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. If any of these holidays fall on Saturday, the preceding Friday shall also be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall also be observed as a holiday.

(6) “External Bridge” or “outer bridge” means the distance from the center of the front steering axle of the vehicle (or combination of vehicles) to the center of the last axle of the vehicle (or combination of vehicles).

(7) “Fifth Wheel” means a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) which interfaces with and couples to the upper coupler assembly of a semitrailer.

(8) “Flag” means a red or florescent orange device used to warn approaching traffic of a safety hazard.

(9) “Governmental Entity” means as defined in Section 334.03, F.S.

(10) “Inner-Bridge” means the distance between the centers of any two or more consecutive axles on a vehicle (or combination of vehicles) traveling on the interstate system only, exclusive of the external bridge.

(11) “Kingpin Setting” means the distance between the kingpin or other peg which locks into the fifth wheel and the center of the rear axle or the center of the rear axle grouping (whichever applies).

(12) “Law Enforcement Escort” means any police officer as defined in Section 316.003(32), F.S., operating any vehicle owned by a law enforcement agency using blue or red and blue warning lights to accompany an oversize/overweight vehicle.

(13) “Local Moves” means hauling not more than a 50 mile radius from the point of origin.

(14) “Manufactured Building” or “modular building” means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems made for installation or erection as a finished building or part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds made and assembled offsite by a manufacturer certified in conformance with Section 553.381, F.S.

(15) “Manufactured Home” means as defined in Section 320.01(2)(b), F.S.

(16) “Mobile Home” means as defined in Section 320.01(2)(a), F.S.

(17) “Multiple Loading” means the placing of more than one item on a vehicle so as to cause the overall measurements to exceed the maximum length, width, height, and weight limitations established in Sections 316.515 and 316.535, F.S.

(18) “Multi-Trip Permit” or “blanket” or “annual permit” means authorization issued to allow multiple trips for a period not to exceed 12 months.

(19) “Non-Routine Permit” means authorization issued with a structural evaluation or override authorization.

(20) “Overdimensional” or “oversize” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.515, F.S.

(21) “Overhang” means that portion of a load or vehicle attachment that projects beyond the front or rear wheels of a vehicle or the front or rear bumper of a vehicle if it is equipped with a front or rear bumper.

(22) “Overweight” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.535, F.S.

(23) “Permit Office” means the Permit Section of the Office of Maintenance, Florida Department of Transportation, with offices located in Tallahassee, Florida. Website: [www.fdotmaint.com/permit/](http://www.fdotmaint.com/permit/).

(24) “Permittee” means the applicant to whom an oversize/overweight permit is issued.

(25) “Routine Permit” means authority issued by the Department for an overweight or overdimensional load that did not require a structural evaluation, local movement restrictions, or override authorization.

(26) “Self-Propelled Equipment” means a single rigid frame unit propelled with its own power source which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks and fire trucks.

(27) “Trip Permit” means authorization issued to allow a single hauling of a load from point of origin to destination.

(28) “Truck Crane” means any vehicle (which may include a dolly attachment) designed and constructed to be used primarily for lifting, lowering, or traversing while operating from either a secure stationary position, or in a rolling position, if specifically designed for rolling operation.

(29) “Valid Permit” means authorization pursuant to Section 316.550, F.S., by the Department that has not been altered, changed, or otherwise modified, unless in writing by the Department, accompanied by the original permit.

(30) “Warning Light” means a class 2 electrical lighting device located on a permitted vehicle and/or escort vehicles, used to warn all approaching traffic of a possible safety hazard. The device shall be any one or combination of the following:

(a) Rotating;

(b) Strobe;

(c) Flashing.

(31) “Warning Sign” means a sign device, located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard.

(32) “Wrecker Permit” means authorization issued for the operation of a wrecker where the combined weight of the wrecker plus towed disabled vehicle exceeds the maximum weight established by Section 316.535, F.S.

Rulemaking Authority 316.550(5), 334.044(2) FS. Law Implemented 316.515, 316.550 FS. History—New 9-15-87, Amended 7-21-91, 6-23-96, 11-10-98, 2-1-10, 10-4-10, \_\_\_\_\_.

14-26.00411 Procedure for Issuance of Permits.

(1) Purpose. The purpose of this rule chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures, and to preserve the state’s transportation facilities by providing standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures. The rules of this rule chapter apply to all persons or entities operating overweight and

overdimensional vehicles and loads over state maintained roads, which are not specifically exempt under Chapter 316, F.S.

(2) Intent. It is the intent of the Department to require that all reasonable steps be taken to reduce the vehicle load to legal limits of weight and dimensions. Permits for overweight and overdimensional vehicles and loads are intended for a single item load which cannot reasonably be dismantled or disassembled and which cannot reasonably be shipped by rail, water, or air.

(3) The administration of these rules is assigned to the Department's Permit Office, located in Tallahassee, Florida, whose mailing address is:

Florida Department of Transportation  
Permit Section  
605 Suwannee Street, M.S. 62  
Tallahassee, Florida 32399-0450

Travel authorization and/or permits for travel on local roadways and structures must be obtained from local authorities.

(4) Permitting Process. Payment for permits shall be in cash, by cashier's check, personal or company check, money order, credit card, or bond/escrow account. Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all ~~required~~ fields on Form 850-040-02, Request for Special Road Use Oversize/Overweight Permit Application or complete an online Application at [www.fdotmaint.com/permit](http://www.fdotmaint.com/permit) and, rev. 07/10, incorporated herein by reference and provide the following:

(a) Total gross weight of vehicle/vehicle combination to include permitted load if over legal weight. Otherwise, the applicant must state that the gross weight is legal.

(b) External bridge and individual axle spacings of vehicle/vehicle combination (center of hub to center of hub) if over legal weight.

(c) Total number of axles and total weight on each axle of vehicle/vehicle combination if over legal weight. Otherwise, the applicant must state that the axle weights are legal.

(d) Total width of vehicle and/or load at widest point.

(e) Total length of the vehicle/vehicle combination and/or load from front to rear to include front and rear overhang. If there is any overhang, separate measurements are to be provided in addition to the total length.

(f) Total height of the vehicle and/or load from the pavement to the highest point of the vehicle and/or load.

(g) Description of load to be transported.

(h) Requested route(s) of travel containing detailed information including origin, destination, physical addresses, mile markers, or intersections. This applies to trip permit applications only. Non-Routine Permit Trip Applications must

also include detailed routing information, such as stops for rest areas, exit ramps, etc., such as state highway and interstate route numbers.

(5) ~~No movement shall be made under any permit will be issued until the route has been surveyed to verify it has been verified that the route can accommodate the vehicle and load.~~ The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Vehicles and loads with Permit applications requesting a height greater than 15 feet and/or a width greater than 22 feet shall be surveyed by a qualified escort, as described in this rule chapter prior to any movement. Surveying a route prior to movement of the load does not exempt the hauler from being required to obtain a permit prior to any movement. Applications for vehicles and loads with a height greater than 18 feet and/or width greater than 22 feet shall be supported by a survey letter from the hauler supported by an affidavit from the applicant. The survey letter affidavit must be on the hauler's provided by the applicant on the applicant's letterhead and include a the signature of the applicant, a statement verifying that the route has been surveyed, and that clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The surveyed route and the route shown on the application must be identical. The survey must be completed by a qualified escort as described in this rule or a driver with a valid Commercial Driver's License.

(6) Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights and dimensions must be provided at least ten business days before a proposed move when the vehicle's gross weight exceeds 199,000 pounds so that a structural analysis can be performed. Applicants, whose vehicles have a gross weight of less than 199,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural analysis is needed.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History—New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98, Formerly 14-26.006, Amended 2-1-10, 10-4-10, \_\_\_\_\_.

#### 14-26.00425 Criteria for Issuance of Permits.

(1) The Department shall consider the following criteria when evaluating permit requests and prescribing conditions limiting the use of said permit:

(a) Whether the load can be reasonably dismantled or disassembled;

(b) Protection of the motoring public from traffic hazards created by the movement of overweight and overdimensional vehicles or loads on state owned highways and structures;



- (c) Prevention of undue delays in the normal flow of traffic;
  - (d) Prevention of damage to the highway pavement, facilities, and structures;
  - (e) Assistance needed for transportation problems involving excess size or weight;
  - (f) Whether vehicle(s) meet the Department’s established axle load and axle spacing requirements based upon structural analysis of the bridge structures to be crossed;
  - (g) The number of lanes, width of lanes, and the condition of the pavement to be traversed;
  - (h) The number, adequacy, and availability of access routes;
  - (i) The number and types of accidents and fatalities occurring on the roads of the proposed route;
  - (j) The shoulder conditions and widths on the proposed route;
  - (k) The average daily volume of traffic;
  - (l) The volume of traffic during peak periods;
  - (m) The number of traffic signals per mile;
  - (n) The frequency of necessary vehicular lane changes;
  - (o) The availability of emergency lanes;
  - (p) Temporary conditions such as construction or impending adverse weather;
  - (q) The applicant’s ~~survey letter indicating certification of~~ available vertical clearance on the proposed route for all loads/vehicles over ~~18~~ 45 feet high;
  - (r) The applicant’s ~~survey letter indicating certification of~~ available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;
  - (s) The applicant’s previous permit compliance history;
  - (t) Other items which affect traffic flow or safety;
  - (u) All details relevant to the proposed move as presented by the applicant and as requested by the Department.
- (2) Override Authority. Authority to override Sections 316.550 and 316.535, F.S., and Rule Chapter 14-26, F.A.C.

(a) Pursuant to Section 316.550, F.S., the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations, and the State Highway Engineer have powers by which they, in extenuating circumstances, may authorize the Department’s Permit Office to issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the normal daily operational safety standards and procedures of Sections 316.515 and 316.535, F.S. and Rule Chapter 14-26, F.A.C.

(c) The applications, supporting documentation, authorizations, and permits will be documented and maintained by the Department. (b) To obtain a permit for vehicles or loads not specifically authorized in this rule chapter, an applicant must include, with the permit application, a letter of essentiality from a government entity or the ultimate recipient of an essential service, providing justification for issuance of a non-routine permit. A letter from the hauler, distributor, or manufacturer will not be accepted. The letter must verify that the load has been reduced to the smallest size possible, cannot be shipped by any other means of transportation, and state why the move is essential in the interest of public safety, national defense or other extenuating circumstances.

(d) Emergencies. Upon a Governor’s Declaration of Emergency, in order to allow response to the emergency, and after safety considerations, the Department may temporarily suspend certain permit restrictions by issuing an emergency permit letter.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.550, 316.565, 334.044(27) FS. History—New 9-15-87, Amended 6-23-96, 11-10-98, Formerly 14-26.0051, Amended 2-1-10,\_\_\_\_\_.

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department for permits for overweight and/or overdimensional vehicles operating on state owned roadways and bridges:

TABLE 1A – SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 7 ½ Days	MULTI-TRIP 12 Months
<b>(1) OVERDIMENSION</b>		
<b>(a) Straight trucks and semi-truck-tractor-trailer.</b>		
Up to 12 feet wide, or up to 13 feet 6 inches high or up to 85 feet long.	\$5.00	\$20.00
Up to 14 feet wide or up to 14 feet 6 inches high or up to 95 feet long.	\$15.00	\$150.00
Up to 14 feet wide or up to 18 feet high or up to 120 feet long.	\$25.00	\$250.00
Over 14 feet wide or over 18 feet high or over 120 feet long.	\$25.00	NOT ISSUED
<b>(b) Overlength semi-trailers of legal width, height, and weight, which exceed 53 feet in length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 feet.</b>	\$10.00	\$30.00
<b>(c) Truck crane or earth handling equipment moving under own power, up to 12 feet wide or 14 feet 6 inches high, or 85 feet long.</b>	\$15.00	\$150.00
<b>(d) Trailers or equipment towed with ball or pintle.</b>		

Up to 10 feet wide or up to 13 feet 6 inches high or up to 80 feet long.	\$5.00	\$20.00
*Up to 12 feet wide or up to 13 feet 6 inches high or up to 105 feet long.	\$5.00	\$330.00
*Up to 14 feet wide or up to 14 feet 6 inches high or up to 105 feet long.	\$15.00	\$500.00
*Over 14 feet wide or over 14 feet 6 inches high or over 105 feet long.	\$25.00	NOT ISSUED
NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.		
TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES		
	TRIP PERMIT 7 ½ Days	MULTI-TRIP 12 Months
(2) OVERWEIGHT		
*(a) Up to 95,000 pounds.	\$0.27 Per Mile	***\$240.00
*(b) Up to 112,000 pounds.	\$0.32 Per Mile	***\$280.00
*(c) Up to 122,000 pounds.	\$0.36 Per Mile	***\$310.00
*(d) Up to 132,000 pounds.	\$0.38 Per Mile	***\$330.00
*(e) Up to 142,000 pounds.	\$0.42 Per Mile	***\$360.00
*(f) Up to 152,000 pounds.	\$0.45 Per Mile	***\$380.00
*(g) Up to 162,000 pounds.	\$0.47 Per Mile	***\$400.00
(h) Up to 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	\$500.00
(i) Over 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
(j) Containerized Cargo Unit.	\$0.27 Per Mile	\$500.00
(k) Overall Wheel Base (Inner Bridge/External Bridge).	\$10.00	\$35.00
(l) Implements of husbandry, farm equipment, agricultural trailers/products and forestry equipment (Local Moves Only).	\$5.00	\$17.00
(3) SPECIAL PERMIT FEES		
Transmission Fee	\$5.00	NOT APPLICABLE
*Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee with a combined fee of not to exceed \$500.00.		
NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit, which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00 in addition to the \$5.00 transmission fee when applicable.		

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History—New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, 4-22-92, 3-1-94, 6-23-96, 11-10-98, 2-1-10, 10-4-10, \_\_\_\_\_.

14-26.009 Exemptions from Fee Requirement.

The following entities are exempt from the fee requirements specified in Rule 14-26.008, F.A.C., above:

- (1) Governmental Entities.
- (2) Special taxing districts.
- (3) Seminole Tribe as defined in Chapter 285, F.S.
- (4) Any person or entity moving portable public school buildings.
- (5) Implement of husbandry, farm equipment, agricultural trailers and forestry equipment (oversize only).
- (6) Movement of loads in response to a Governor’s Declaration of Emergency.

~~The above entities are exempt from the fee requirements only when being operated for non-commercial purposes.~~ These vehicles must obtain an overweight and/or overdimensional permit to operate on state owned roadways.

Rulemaking Authority 316.550 FS. Law Implemented 316.550, 316.565 FS. History—New 8-26-82, Formerly 14-26.09, Amended 6-23-96, 11-10-98, 2-1-10, 10-4-10, \_\_\_\_\_.

14-26.0091 Tire Requirements.

(1) Each axle must have tires of the same size and construction. Tires must be properly inflated for the load to be carried. In no event shall any tire, wheel or rim exceed the manufacturer’s maximum load-carrying limit. Tires and tire usage must be consistent with the requirements of 49 C.F.R., Section 393.75, F.S., rev. 10/08, as required by Section 316.302(1), F.S.

(2) A vehicle equipped with dual tires may have the dual tires replaced by a single tire so long as the vehicle, axle, and tire load ratings are not exceeded.

(3) No tire may exceed 550 pounds per inch of tire section width (plus scale tolerance) as defined by the rating molded in the tire sidewall. For example, a designation of 445/50R22.5 designates a tire section width of 445 mm (17.5 inches).

Rulemaking Authority 316.302(1), 334.044(2) FS. Law Implemented 316.302(1), 316.535(6) FS. History—New 2-1-10, Amended.

#### 14-26.012 Movement Conditions and Restrictions.

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. An electronic version of a trip permit may be presented, if the trip permit is readily available and legible. Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle's size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip permits are valid only for those routes specified in the permit. Multi-trip permit vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

(2) Escorts accompanying overdimensional loads as required by permit or pursuant to subsection 14-26.012(6), (7), or (8), F.A.C., are limited to:

(a) Law enforcement escorts.

(b) Escorts qualified by another state, provided that the other state has equal or more stringent standards as those required by Florida for qualified escorts and the escort has been qualified or re-qualified within the past four years.

(c) Qualified escorts:

1. Must be at least 18 years of age and must possess a valid driver's license in the state or jurisdiction in which he or she is a resident.

2. Must have successfully completed a minimum eight hour defensive driving course as provided by a National Safety Council qualified instructor or hold a currently valid Commercial Driver's License (Class A, B, or C). The instructor shall not be an employee of the employing escort service.

3. Must have successfully completed a minimum eight hour pilot/escort flagging course. The qualification must be current and must be from an entity approved by the Department based upon that entity's course content, methods of instruction, and familiarity with state and federal standards.

4. Shall maintain in his or her possession, for prompt presentation upon request by a law enforcement person or Department representative, a copy or copies of the qualification document or documents verifying completion of the required qualification courses.

5. Shall be requalified every four years by successfully completing a four hour Department approved refresher course.

(3) Escort Vehicle and Equipment Requirements for Qualified Escorts.

(a) Escort Vehicles.

1. Escort vehicle(s) must be a single unit vehicle with a gross vehicle weight rating of at least 2,000 pounds and less than 26,000 pounds. The vehicle must be properly licensed, registered, and operated by a qualified escort.

2. Identification signs or placards showing the name of the company or the owner or driver of the escort vehicle must be in a conspicuous place on both the right and left sides of the escort vehicle. The signs or placards shall be at least 8 inches × 12 inches, or contain the equivalent square inches, and shall also contain the telephone number of the owner or driver plainly legible and visible to the motoring public.

3. All escort vehicles must be equipped with high visibility rotating, strobe or flashing class 2 amber warning lights mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.

4. Escort vehicles shall display either a bumper mounted or a roof mounted yellow sign (or may display both) reading "OVERSIZE LOAD" with black letters with a minimum brush stroke of 10 inches high and 1 1/2 inches wide, which must be visible from front and rear.

5. Two flags, either red or fluorescent orange in color, which must be at least 18 inches × 18 inches, shall be mounted at approximately a 40 to 70 degree angle on the escort vehicle's roof rack.

(b) On Board Equipment. During escort operations, all escort vehicles shall have on board the following equipment and such equipment shall be in working order:

1. Operable two-way electronic communications. Qualified escorts must be in radio contact with load drivers at all times during movements.

2. Two fire extinguishers (minimum five pounds each).

3. "STOP" and "GO" or "STOP" and "SLOW" paddles a minimum 18 inches in diameter with 6 inch high letters.

4. A high visibility, fluorescent class 2 safety vest for flagging during daytime hours or a high visibility, fluorescent class 3 safety vest when flagging at night.

5. One hand-held flag, either red or fluorescent orange in color, which must be at least 12 inches × 12 inches.

6. Two warning signs (yellow with black lettering) with a minimum brush stroke of 12 inches high and 1 1/2 inches wide. Each warning sign shall have a total dimension of not less than 7 feet long by 18 inches high. These signs shall be used in the event the permitted vehicle or load loses its sign(s).

7. Three 36 inch traffic cones. Traffic cones must be reflective if used at night.

8. For over height loads, the lead vehicle must have a height indicator, i.e., height pole, used to determine vertical clearance. This device must be manufactured of non-conductive and non-destructive material and must be positioned at a height of at least 6 inches above the height of the load being escorted.

(4) Escort Functions. Escorts are required to watch and direct traffic or the load to ensure public safety. Escorts may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), F.S. No escort or escort vehicle may be used to perform any other function that could distract from the escort responsibilities. The total number of escorts required will be determined based upon safety considerations. If one escort is required for an over width load, the escort shall precede the load on two lane highways or follow the load on four lane divided highways. If two escorts are required, one must precede the load and one must follow. If the load is over length only, the escort vehicle shall be in the rear of the load at all times. Escorts shall operate no more than 300 feet in front of or behind the load unless road conditions or permit stipulations dictate otherwise. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.

(5) Safety Requirements and Restrictions for Permitted Load and Vehicle.

(a) Flags. Flags shall be clean, have high visibility, and be at least 18 inches × 18 inches. They shall be displayed so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Warning Lights.

Required Display. Vehicles or loads exceeding 10 feet in width, 80 feet in length (or over 3 feet of front overhang for self-propelled equipment), or 14 feet 6 inches in height shall have warning lights which shall:

1. Be class 2 high visibility rotating, strobe or flashing amber warning lights; and
2. Be mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.

(c) Warning Signs.

1. Required Display. Vehicles or loads exceeding 10 feet in width, 80 feet in length, or 14 feet 6 inches in height.

2. Each warning sign shall:

a. Consist of black letters 12 inches high with a brush stroke of not less than 1 1/2 inches wide on a yellow background.

b. State "OVERSIZE LOAD."

c. Have a total dimension of not less than 7 feet long by 18 inches high.

d. Be either bumper mounted or roof mounted. If one of the signs is roof mounted then, the other sign must be at the rear of the towed unit or at the rear of the load. Voids (holes) may be cut in warning signs as signs must not cover any vehicle light or reflector.

(d) Movement During Periods of Poor Visibility. No travel is allowed when horizontal visibility is less than 1,000 feet. Vehicles which are underway when inclement weather occurs must exit the road at the first available location and park until the weather clears or until road conditions improve.

(e) Movements on Weekends and Holidays. Unless otherwise noted on the permit, movements are prohibited on weekends and holidays. A government entity, meeting the criteria of Rule 14-26.00425, F.A.C., shall be allowed to travel all days, all hours with a valid permit.

(f) Nighttime movement. When the criteria of Rule 14-26.00425 and 14-26.012, F.A.C., are met, trip or multi-trip permits shall be issued providing:

1. Nighttime travel is recommended by the Department's District Traffic Engineering Office(s) or determined to be a requirement of the permit by the Office of Maintenance.

2. Law enforcement escort(s) are used.

3. Warning lights shall delineate the shape and size of the load.

4. The sides and rear of trailers and loads shall be lighted in the manner prescribed in 49 C.F.R. Sections 393.11 through 393.26, as required by Section 316.302(1)(a), F.S.

(6) All vehicles, including vehicles equipped with an automatic vehicle identification system, must stop at open weigh stations.

(7) Width Limitations.

(a) Vehicles up to 10 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only. Flags are required.

(b) Vehicles over 10 Feet up to 12 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, this is the maximum width allowed on a straight truck.

(c) Vehicles over 12 Feet up to 14 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. A minimum of one escort vehicle, with escort, is required at all times.

1. All manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted, with two on the front and two on the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of two warning lights mounted with one on the front and one on the rear of the load.

3. On roadway lanes less than 12 feet wide, bridges with less than 30 feet curb to curb, and in rural areas with traffic volume greater than 12,000 Average Daily Traffic (ADT) per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane, two qualified escorts are required except on loads with a minimum of four warning lights mounted two in front and two in the rear of the towed or hauled unit.

4. No movement will be allowed in congested areas during peak traffic hours.

(d) Vehicles over 14 Feet up to 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip permits only shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. Two qualified escort vehicles, with escorts are required at all times during the move, one in the front and one in the rear of the load.

1. All loads consisting of manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted with two on the front and two on the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of two warning lights mounted with one on the front and one on the rear of the load.

3. Two lane roadways shall not be used as a connector route whenever viable four lane routes are available. Requests for two lane roadways as connector routes may require justification from the customer and ultimate approval from the Department. No movement will be allowed in congested areas during peak traffic hours.

4. The maximum width for manufactured buildings is 16 feet.

(e) Vehicles over 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, only trip permits shall be issued. Same as criteria for "Vehicles over 14 Feet up to 16 Feet" except movement will be restricted to local moves. Applications for permits over 16 feet wide are subject to review by the Department's District Traffic Engineering Office(s).

1. Two qualified escorts are required when travelling on a limited access facility during daytime hours only. ~~Law enforcement escort(s) shall be required for all moves.~~

2. One law enforcement escort and one qualified escort are required when travelling on a limited access facility during nighttime hours.

3. Two law enforcement escorts are required at all times when travelling on state maintained roadways (excluding limited access facilities).

4.2- Items must be moved by rail, air, or water when possible.

5.3- Trip permit requests for vehicles over 22 feet wide will require an affidavit verifying that the proposed route has adequate horizontal clearance to accommodate the requested width in addition to two feet on each side.

(8) Height Limitations.

(a) Vehicles up to 14 Feet 6 Inches. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days and all hours. Except for local moves, this is the maximum height for loads hauled on straight trucks.

(b) Vehicles over 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required; one mounted on the front and one on the rear of the load. An escort vehicle with a vertical height indicator is required to precede the load. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request height plus six inches.

(c) Vehicles over 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to vehicles up to 18 feet. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, movement is restricted to local moves only.

1. One qualified escort with a vertical height indicator must precede the load when travelling on a limited access facility.

2.4- One law enforcement escort in addition to one qualified escort is required when travelling on state maintained roadways (excluding limited access facilities). The qualified ~~One~~ escort must precede the load with a vertical height indicator.

3.2- Appropriate utility personnel will also be required whenever the load will encounter low barriers such as overhead structures, traffic signals, and low wires.

(9) Length Limitations.

(a) Vehicles up to 80 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days and all hours.

1. Rear overhang is limited to a maximum of 10 feet during nighttime movement unless otherwise stated on the permit.

2. When overhang exceeds 4 feet, a warning light is required on the top of the vehicle. At the extreme rear of the load there must be two red lamps and two red reflectors on each side of the load. Each required warning lamp shall be visible from a distance of at least 500 feet.

(b) Vehicles over 80 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required to be mounted: one on the front and one on the rear of load.

1. No movement will be allowed in congested areas during peak traffic hours for vehicles over 85 feet in length.

~~2. An escort is required when the length exceeds 95 feet.~~

~~2.3-~~ Truck tractor semi-trailers with three points of articulation are allowed up to 105 feet in length without an escort.

~~4. Maximum length for a manufactured home, tractor combination is 105 feet provided the length of the towed housing does not exceed 81 feet, including all overhangs and tongue.~~

3. One qualified escort is required when the length exceeds 95 feet.

~~4.5-~~ Two qualified escorts are required when the length exceeds 150 feet unless the vehicle is traveling on a limited access facility, then only one qualified escort is required.

~~5.6-~~ One law enforcement escort and one qualified escort are required when the length exceeds 250 feet.

6. Maximum length for a manufactured home, tractor combination is 105 feet provided the length of the towed housing does not exceed 81 feet, including all overhangs and tongue.

1. Total length up to 60 Feet.(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:

a. Front Overhang over 3 Feet up to 9 Feet. Movement is permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.

b. Front overhang over 9 Feet. Movement is permitted all days, during daytime hours only. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.

2. Total Length over 60 Feet up to 85 Foot Maximum. Movement is permitted daytime hours only, excluding weekends and holidays. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.

(10) Multiple Loading. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued providing:

(a) Multiple loading does not cause the dimensions of the load to exceed those limits established in Section 316.515, F.S., and

(b) Multiple loading does not cause the gross vehicle weight to exceed those limits established in Section 316.535, F.S.

(c) Vehicles will only be allowed to exceed the gross vehicle weight limits established in Section 316.535, F.S., when:

1. Attachments (e.g. blade, rake, bucket, counterweights) that are a normal part of the equipment have been removed to reduce the size of the load for safety reasons. Multiple attachments may be transported if they are attachable to the equipment and necessary for operation.

2. The gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being hauled.

(11) Designated Permits.

(a) "Implements of Husbandry," farm equipment, agricultural trailers, and forestry equipment are exempt pursuant to Section 316.515, F.S., from certain size requirements. However, these vehicles are not exempt from any overweight limitations set forth in Section 316.535, F.S. When the vehicle configurations exceed any of the weight limits described in Section 316.535, F.S., an overweight permit must be obtained from the Department.

(b) Movement of an empty truck tractor semi-trailer up to 11 feet in width and not over 105 feet in length, traveling on or within five miles of limited access roadways, when operating with an existing valid permit will be allowed to travel during nighttime hours. Warning lights are required to be mounted in such a way as to be seen by all approaching traffic. Extra axles and stingers may be hauled on the trailer to reduce overall dimensions for safety purposes.

(c) Semi-trailers greater than 53 feet up to 57 feet 6 inches in length may haul a divisible load when operating in a truck tractor semi-trailer combination with a valid trip or multi-trip permit.

(d) Truck tractor semi-trailer combinations hauling automobiles/boats may obtain a trip or multi-trip permit when the semi-trailer is greater than 50 feet up to 53 feet with an overall length not to exceed 80 feet inclusive of any overhang. This applies to both stinger and non-stinger steered vehicles.

(e) Straight truck and trailer combinations hauling automobiles/boat may obtain a trip or multi-trip permit when the trailer exceeds 28 feet with an overall length not to exceed 80 feet. No overhang is allowed.

(f) Trip or multi-trip permits will be issued to truck tractor semi-trailer combinations to deviate from inner-bridge requirements when traveling on interstate highways and when the criteria of Rule 14-26.00425, F.A.C., are met. These vehicles are not allowed to exceed the external bridge or axle weight limitations described in Section 316.535, F.S.

(12) Wrecker Permits.

(a) When the combined weight of the wrecker and disabled vehicle being towed exceeds the maximum weight limits established by Section 316.535, F.S., trip or multi-trip permits shall be issued if all the criteria of Rule 14-26.00425, F.A.C., are met.

(b) Escort requirements for towing disabled permitted vehicles shall be as prescribed in the original permit or amendment thereto for the towed vehicle.

(c) It is the responsibility of the wrecker operator to secure permits necessary to cover the attached load.

(d) In all instances where legal weight is exceeded, all available brakes on the towed vehicle will be functional and in operation at all times while being towed.

(e) An illegally loaded vehicle shall not become legal by being attached to a permitted wrecker.

(f) The combined gross vehicle weight of the wrecker and towed vehicle shall not exceed 140,000 pounds.

(g) The combined length of the wrecker and the towed vehicle shall not exceed 135 feet.

(h) The permitted vehicle combination must be operated with attached map(s) showing acceptable routes for specific axle and vehicle configurations.

Rulemaking Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.550, 334.044(27) FS. History—New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98, 2-1-10, 10-4-10, \_\_\_\_\_.

14-26.01311 Permits to Move Sealed Containerized Loads.

(1) Definitions. For the purposes of this rule:

(a) In accordance with Section 316.302(4), F.S., “Hazardous waste” or “hazardous materials” means as defined in Title 49 C.F.R., Part 171, Subpart A, Sec 171.8.

(b) A “Sealed Containerized Load” means a freight container with or without wheels, as defined by the International Standards Organization, Series 1, Freight Containers – Classification, dimensions and ratings, ISO668-1988 [E].

(c) “Destination point” means the location where the packer’s seal or U.S. Customs’ seal is broken.

(d) “Point of origin” means the location where the packer’s seal is affixed.

(2) General. Sealed containerized loads being moved via a truck or trucks and rail in conjunction with a maritime shipment will be considered a “nondivisible” load, eligible for an overweight or overdimensional permit, when the following conditions are met:

(a) The sealed containerized load does not transport hazardous waste or hazardous materials which require placarding per Title 49, C.F.R., Part 172, Subpart F, as required by Section 316.302, F.S.;

(b) The sealed containerized load is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or
2. From a maritime port to a railroad facility for movement to the destination point; or
3. From the point of origin to a maritime port; or
4. From the point of origin to a railroad facility for movement to a maritime port; and

(c) The sealed containerized load retains the original unbroken seal or a replacement U.S. Customs’ seal throughout its transit until reaching its destination point.

(3) Required On-Board Documents.

(a) The operators of vehicles transporting sealed containerized loads by permits issued pursuant to this rule shall at all times have on board at least one of the following documents under their control and available for inspection:

1. A short form master bill of lading;
2. A copy of an electronically transmitted way bill; or
3. A completed U.S. Customs Service Authority to move (Form 75-12) valid for the permitted load.

(b) The document(s) in paragraph (a) shall include the following readily identifiable information:

1. Consignor;
2. Point of origin;
3. Consignee;
4. Point of destination;
5. Either the number of the packer’s cargo seal or the number of the U.S. Customs seal; and
6. A statement that the load being transported does not contain any hazardous waste or hazardous materials which require placarding per Title 49, C.F.R. Part 172, Subpart F.

(c) The document(s) in paragraph (a) shall be in the form of a hard copy.

(4) No Straight Trucks. Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), F.S., shall be eligible for a permit to haul sealed containerized loads.

(5) Trip or Multi-Trip Permits. When applying for a trip or multi-trip permit to transport sealed containerized loads, the hauler must furnish all relevant details on the proposed move to the Department’s Permit Office. At a minimum, this shall include:

- (a) Maximum gross weight;
- (b) Axle spacing (center to center of each axle);
- (c) The total number of axles and total weight on each axle of the vehicle/vehicle combination;
- (d) The origin and destination of the highway move (for trip permits);
- (e) Either the number of the packer's cargo seal or the number of the U.S. Customs' seal;
- (f) The State highway(s) requested to be traveled (for trip permits); and
- ~~(g) A reasonable description of the contents of the sealed containerized load to be moved.~~
- (6) Overall Gross Vehicle Weight. Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight of 100,000 ~~95,000~~ pounds.
- (7) Axle Spacings. All vehicles operating under a permit issued pursuant to this rule shall meet the minimum axle spacing requirements described in the permit.
- (8) Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five load-bearing axles in operation at all times during movement.
- (9) Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History--New 9-14-93, Amended 6-23-96, 2-1-10, 10-4-10, \_\_\_\_\_.

14-26.015 Penalties.

(1) Any vehicle in violation of any permit criteria, or operating without a permit where one is required, will be required to correct all offending irregularities or obtain a new permit based on the vehicle's actual load prior to release of the vehicle. Additionally, the following penalties for violation of permit requirements will apply:

- (a) An oversize or overweight vehicle being operated without a permit will have penalties assessed in accordance with Sections 316.545 and 316.516, F.S.
- (b) A vehicle operated with a valid permit which exceeds the weight criteria contained in the permit, will be assessed a penalty for every pound or portion thereof exceeding the permitted weight as provided in Section 316.545, F.S.
- (c) A vehicle operated with a valid permit which exceeds the dimensional criteria contained in the permit, will be assessed a penalty for every foot or portion thereof exceeding the permitted dimension, as provided in Section 316.516, F.S., except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(b), F.S.
- (d) A vehicle operated with a valid permit which vehicle violates and operational or safety provision contained in the permit, will be assessed a penalty of \$100.00 per safety

violation (lights, flags, signs, etc.) and \$250.00 per absent escort, except that the total penalty for the vehicle shall not exceed 1,000.00.

(e) A vehicle operated with a valid permit which violates daytime, nighttime, or restricted hours of travel restrictions shown on the permit, which violates weekend and holiday travel restrictions shown on the permit, or which violates the restrictions against movement during periods of poor visibility, will be assessed a penalty of \$1,000.00 and the vehicle will be parked at owner's expense and responsibility until the next authorized travel period.

(f) Any vehicle which bypasses an open weigh station will be assessed a penalty of \$1,000.00.

(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip. Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the vehicle must remain until the load is brought into compliance or a valid permit is obtained.

(a) The vehicle does not have the required number of axles. Penalty to be assessed for the weight only.

(b) The vehicle has an expired permit. Penalty to be assessed for both weight and size.

(c) The vehicle is not on the route designated on the permit or on an approved route on the multi-trip permit attachments. Penalty to be assessed for both weight and size.

(d) The vehicle is a self-propelled truck crane towing a motor vehicle that exceeds the 5,000 pound limit allowed in Section 316.550, F.S. Penalty to be assessed for weight only.

(e) The vehicle is operating with a permit which has been altered or forged. Penalty to be assessed for both weight and size.

(f) The vehicle is not as represented by the facts on the permit. Penalty to be assessed for both weight and size. This violation will not be applicable if it duplicates another violation noted in a specific citation.

(g) The vehicle contains multiple loading (except as allowed per this rule). Penalty to be assessed based upon the nature of the violation (weight or size).

~~(h) The vehicle was operating during nighttime hours when not allowed by the permit or its attachments. Penalty to be assessed for size only.~~

(i) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for size only.

(j) The vehicle has an outer-bridge dimension which is less than the minimum specified on the permit. Penalty to be assessed for weight only.



(k) The vehicle is being operated under a multi-trip permit and the permit is not accompanied by the attachments described in the permit. Penalty to be assessed based upon the nature of the violation (weight or size).

Rulemaking Authority 316.516(4), 334.044(2) FS. Law Implemented 316.516(4), 316.550(6), (8) FS. History—New 6-23-96, Amended 11-10-98, 2-1-10, 10-4-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tim Lattner, Director, Office of Maintenance  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2012

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-8.010  
RULE TITLE: Reimbursement Contract  
PURPOSE AND EFFECT: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, F.S.  
SUMMARY: The rule is being amended to adopt the 2013-2014 Reimbursement Contract, including Addenda and Optional Amendment. In addition, obsolete material is being removed.

**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: A Reimbursement Contract meeting the requirements set forth in Section 215.555, F.S., must be adopted annually pursuant to Section 215.555(4) and (18)(b), F.S. Upon review of the proposed changes to the upcoming Contract Year’s Reimbursement Contract, which is incorporated into Rule 19-8.010, F.A.C., Reimbursement Contract, the State Board of Administration of Florida has determined that the preparation of a Statement of Estimated Regulatory Costs is not necessary and that this rule does not meet the statutory threshold for ratification by the Legislature. The changes to this rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness, or innovation or

increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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: 215.555(3) FS.  
LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (17), (18) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 22, 2012, 9:00 a.m. – 12:00 Noon (ET)  
PLACE: FHCF Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341, tracy.allen@sbafla.com. 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: Tracy Allen at the number or email listed above.

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

- 19-8.010 Reimbursement Contract.
- (1) ~~The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1995K “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 07/95, is hereby adopted and incorporated by reference into this rule.~~
  - (2) ~~The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1996K “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 05/96, is hereby adopted and incorporated by reference into this rule.~~
  - (3) ~~The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1997K “Reimbursement Contract~~

~~(“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“Fund”); rev. 05/97, is hereby adopted and incorporated by reference into this rule.~~

~~(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1998K — “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“Fund”); rev. 05/98, is hereby adopted and incorporated by reference into this rule.~~

~~(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1999K — “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC#( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/99, is hereby adopted and incorporated by reference into this rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1 — “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 08/99, is hereby adopted and incorporated by reference into this rule.~~

~~(6) The reimbursement contract for the 2000-2001 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2000K — “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC#( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/00, is hereby adopted and incorporated by reference into this rule.~~

~~(7) The reimbursement contract for the 2001-2002 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2001K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/01, is hereby adopted and incorporated by reference into this rule.~~

~~(8) The amended reimbursement contract for the 2002-2003 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2002K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC#( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida~~

~~Hurricane Catastrophe Fund (“FHCF”), rev. 05/02, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2002 through May 31, 2003.~~

~~(9) The reimbursement contract for the 2003-2004 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2003K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/03, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2003 through May 31, 2004.~~

~~(1)(10) The amended reimbursement contract for the 2004-2005 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2004K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC#( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/04, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2004 through May 31, 2005.~~

~~(2)(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2005K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and the State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/05, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006. Addendum No. 1 to the 2005-2006 Reimbursement Contract, which is called Form FHCF-2005K-1 — “Reimbursement Contract (Contract) between (name of insurer) (the Company) / NAIC # ( ) and the State Board of Administration of the State of Florida (SBA) which administers the Florida Hurricane Catastrophe Fund (FHCF”); rev. 06/05, is hereby adopted and incorporated by reference into this rule.~~

~~(3)(12) The reimbursement contract for the 2006-2007 contract year, as amended by Addendums 1., 2., and 3., required by Section 215.555(4), F.S., which is called Form FHCF-2006K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and the State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”); rev. 05/06, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2006 through May 31, 2007.~~

~~(4)(13) The reimbursement contract for the 2007-2008 contract year, including Addendum required by Section 215.555(4), F.S., which is called Form FHCF-2007K — “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and the State Board of Administration of the State of Florida (“SBA”) which~~

administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/07, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2007 through May 31, 2008.

~~(5)(14)~~ The reimbursement contract for the 2008-2009 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2008K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/08, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2008 through May 31, 2009.

~~(6)(15)~~ The reimbursement contract for the 2009-2010 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2009K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/09, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2009 through May 31, 2010.

~~(7)(16)~~ The reimbursement contract for the 2010-2011 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2010K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/10, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2010 through May 31, 2011.

~~(8)(17)~~ The reimbursement contract for the 2011-2012 contract year, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00518>, including all Amendments and Addenda, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00519>, required by Section 215.555(4), F.S., which is called Form FHCF-2011K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.

~~(9)(18)~~ The reimbursement contract for the 2012-2013 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-00777>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2012K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida

(“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 12/11 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2012 through May 31, 2013.

(10) The reimbursement contract for the 2013-2014 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-XXXXX>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2013K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 12/XX is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2013 through May 31, 2014.

~~(11)(19)~~ Copies of the reimbursement contract may be obtained from the FHCF website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308 and the telephone number is (850)413-1341.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 9-11-11, 12-19-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2012

**ADMINISTRATION COMMISSION**

RULE NOS.:	RULE TITLES:
28-103.001	Advance Notice of Agency Rulemaking Proceedings
28-103.002	Rule Development Workshops
28-103.003	Negotiated Rulemaking
28-103.004	Public Hearing
28-103.005	Evidentiary Proceeding During Rulemaking
28-103.006	Petitions to Initiate Rulemaking

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome and no longer necessary.

SUMMARY: The proposed rules are a restatement of statutory language and therefore are duplicative and unnecessary.

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 Administration Commission has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are restatement of statutory language and are duplicative and unnecessary.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(a), 120.54(2)(c), 120.54(2)(d), 120.54(3)(a), 120.54(3)(c), 120.54(3)(c)2., 120.54(5), 120.54(7), 120.525 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: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-103.001 Advance Notice of Agency Rulemaking Proceedings.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(2)(a), (3)(a) FS. History–New 4-1-97, Repealed.

28-103.002 Rule Development Workshops.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(2)(c), (5) FS. History–New 4-1-97, Amended 1-15-07, Repealed.

28-103.003 Negotiated Rulemaking.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(2)(d) FS. History–New 4-1-97, Repealed.

28-103.004 Public Hearing.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.525, 120.54(3)(c) FS. History–New 4-1-97, Repealed.

28-103.005 Evidentiary Proceeding During Rulemaking.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(3)(c)2. FS. History–New 4-1-97, Amended 3-18-98, Repealed.

28-103.006 Petitions to Initiate Rulemaking.

Rulemaking Specific Authority 120.54(5) FS. Law Implemented 120.54(7) FS. History–New 4-1-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-104.101  
 RULE TITLE: News Media Visitors

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to revise the rules related to news media visitors. The Office of Communications is replacing the Office of Public Affairs in the rule text and in Form DC1-406. Form DC1-406 is also being updated to clarify that a news media visitor can only photograph and record in the interview room while in a correctional facility.

SUMMARY: The Office of Communications is replacing the Office of Public Affairs in the rule text and in Form DC1-406. Form DC1-406 is updated to clarify where a news media visitor may photograph and record when visiting a correctional facility.

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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), FS.

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: 944.09 FS.  
 LAW IMPLEMENTED: 922.11, 944.09, 944.23 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 RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-104.101 News Media Visitors.

(1) Permission for visits by bona fide news media representatives shall not be unreasonably withheld. This shall apply for visits to inmates other than death sentence inmates with an active death warrant. Rules 33-104.201-.204, F.A.C., shall govern procedures for media interviews with inmates under sentence of death once an execution date has been set. It shall be the responsibility of the news media representatives requesting the visitation to present to the Office of Communications Public Affairs evidence sufficient to establish that such person is a bona fide news media representative and to provide the information sufficiently in advance that it may be verified.

(2) No change.

(3) News media visits to correctional facilities shall be pre-arranged with the Office of Communications Public Affairs. There are two (2) types of media visits allowed under this rule: Inmate Interviews and Program Visits. The following conditions apply to both types of visits:

(a) through (f) No change.

(g) Each member of a media crew must fill out Form DC1-406, Media Access Background Form, and pass an NCIC/FCIC background check. Form DC1-406 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 3-9-10. Form DC1-406 remains valid for six months from the date of signature.

(h) through (j) No change.

(k) Interviews and photographs of on-duty staff shall be permitted only with prior authorization of the Office of Communications Public Affairs and the staff member.

(4) Inmate Interviews. Media representatives wishing to conduct in-person inmate interviews must:

(a) No change.

(b) Fax the inmate's consent as well as the contact information required by paragraph (3)(a) of this rule to the Office of Communications Public Affairs. Media representatives should allow at least two weeks for the interview clearance process. In addition to the provisions of subsection (3) of this rule, the following conditions apply to all inmate interviews:

1. Phone interviews. Phone interviews are not coordinated through the Office of Communications Public Affairs. To obtain a phone interview, news media representatives must write the inmate and request to be added to his phone list. The inmate will call you collect at his discretion once you have been added. This process can take several months.

2. through 5. No change.

6. All inmate interviews must be conducted for the purpose of gathering information for a media event. The Office of Communications Public Affairs strives to accommodate as broad a definition of media as possible.

7. through 13. No change.

(5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 922.11, 944.09, 944.23 FS. History--New 10-16-83, Amended 6-20-85, Formerly 33-5.14, 33-5.014, Amended 10-30-02, 3-9-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ann Howard, Director, Office of Communications

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2012

**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.

SUMMARY: To allow communication between basic training inmates and general population inmates during program participation.

**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: Upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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: 944.09, 958.045 FS.

LAW IMPLEMENTED: 944.09, 958.045 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 RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE 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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2012

**DEPARTMENT OF CORRECTIONS**

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

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to revise the rules related to inmate property. The words no mineral oils and no vaseline after moisturizer on the authorized property list were deleted from the rule.

SUMMARY: The words no mineral oils and no vaseline after moisturizer on the authorized property list were deleted.

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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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 RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE 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"

CLOTHING				AUTHORIZED PROPERTY LIST
Quantity	Unit	Value	Articles	
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				
Quantity	Unit	Value	Articles	
Number in use			Batteries (canteen)	
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" × 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.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2012

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 James Upchurch, Deputy Assistant Secretary, Office of Institutions

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-3.037	Rules, Publications and Agreements Incorporated by Reference
40D-3.507	Casing and Liner Pipe Standards
40D-3.517	Grouting and Sealing

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to amend Rule 40D-3.037, F.A.C., to incorporate Chapters 62-528 (Underground Injection Control) and 62-532 (Water Well Permitting and Construction), F.A.C., which were recently amended by the Florida Department of Environmental Protection (Department). The rulemaking will also amend Rules 40D-3.507 and 40D-3.517, F.A.C., to reference those sections of Chapters 62-528 and 62-532, F.A.C., that were renumbered as a result of the amendments undertaken by the Department. The rulemaking will ensure consistency between the rules of the District and the Department governing well construction.

**SUMMARY:** Modification of District Rules Requiring Well Construction Permits.

**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: This rulemaking will not result in increased costs to small businesses or other regulated entities as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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:** 373.044, 373.113, 373.171, 373.309, 373.337 FS.

**LAW IMPLEMENTED:** 373.046, 373.103, 373.306, 373.308, 373.309, 373.323, 373.324, 373.333 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

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: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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 RULES IS:** Sonya White, Office of General Counsel, Southwest Florida Water Management District, 7601 U.S. Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 Ext. 4660. (OGC File No. 2012020).

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

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) The regulations promulgated by the Department governing Underground Injection Control as set forth in Chapter 62-528, F.A.C. (2-16-12), the construction of water wells as set forth in Chapter 62-532, F.A.C. ~~(2-16-12)~~ ~~(3-28-02)~~, the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (11-25-07), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (1-17-05), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District. The regulations can be obtained from the Department’s Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09, 8-30-09, 11-2-09, 6-7-10,\_\_\_\_\_.

40D-3.507 Casing and Liner Pipe Standards.

(1) through (2) No change.

(3) Telescoped casings may be used provided that casings of different diameters are joined with an appropriate overlap and any annular space including the overlapped section shall be grouted in accordance with subparagraph 62-532.500(3)(i)(2)(A), F.A.C. To prevent interchanges of water when multiple aquifers or zones are penetrated, grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers for this purpose is prohibited.

(a) through (b) No change.

(4) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 2-19-04, \_\_\_\_\_.

40D-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph 62-532.500(3)(i)(2)(4), F.A.C., and this section, to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of artesian pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in subparagraph 62-532.500(3)(i)(2)(4), F.A.C., and this section. The use of lead packers for this purpose is prohibited.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 12-12-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Staff Attorney, Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2012

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-3.041  
 RULE TITLE: Permits Required

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-3.041, F.A.C., to incorporate the statutory exemptions established in Section 373.326, F.S., by Chapter 2012-205, Laws of Florida. The effect of this rulemaking will be that the District will require permits for only those wells identified as Class V, Group 1, pursuant to subsection 62-528.600(2)(a), F.A.C.

SUMMARY: Chapter 2012-205, Laws of Florida, amended Section 373.326, F.S., to exempt from the permitting requirements of Part III of Chapter 373, F.S., those wells identified in Chapter 62-528, F.A.C., as Class I, II, III, IV, or Class V Groups 2-9. Rule 40D-3.041, F.A.C., previously required well construction permits for all injection wells. The proposed rule changes will amend Rule 40D-3.041, F.A.C., to require permits for those wells not exempted in Section 373.326, F.S.

**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: This rulemaking will not result in increased costs to small businesses or other regulated entities as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.106, 373.306, 373.308, 373.309, 373.313, 373.316 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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 IS: Sonya White, Office of General Counsel, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012021)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.041 Permits Required.

(1) Unless expressly exempted by statute or District rule, a permit must be obtained from the District prior to construction, repair, modification or abandonment of any water well, including:

(a) through (f) No change.

(g) Injection wells identified as Class V, Group 1, pursuant to subsection 62-528.600(2)(a), F.A.C.

(h) through (i) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106, 373.306, 373.308, 373.309, 373.313, 373.316 FS. History--Readopted 10-5-74, Amended 12-31-74, 12-1-77, 2-4-79, 11-8-82, Formerly 16J-3.06(2)-(5), 16J-3.10, Amended 7-1-90, 9-30-91, 12-31-92,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Staff Attorney, Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2012

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-3.341  
 RULE TITLE: Suspension, Revocation and Cancellation of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rule 40D-3.341, F.A.C., to allow a property owner or party in legal control of a property to request the District to administratively cancel a well construction permit, provided that no activity has taken place under the permit.

SUMMARY: The District requires applicants for well construction permits to have a current and valid Water Well Contractor’s License prior to issuance of a well construction permit. Rule 40D-3.341, F.A.C., provides that the District may administratively cancel a well construction permit upon the request of the permittee or the permittee’s authorized agent, provided no activity has taken place under the permit. As a result, property owners or parties in legal control of a property currently do not have the ability to request that the District administratively cancel a well construction permit. The proposed rule changes will amend Rule 40D-3.341, F.A.C., to allow a property owner or party in legal control of a property to request that the District administratively cancel a well construction permit, provided that no activity has taken place under the permit.

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: This rulemaking will not result in increased costs to small businesses or other regulated entities as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.309, 373.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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 IS: Sonya White, Office of General Counsel, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012022)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.341 Suspension, Revocation and Cancellation of Permits.

(1) No change.

(2) The District may administratively cancel a permit;

(a) Upon the request of the permittee or permittee’s authorized agent, and confirmation by the District that no activity has taken place under the permit; or

(b) Upon the written request of the property owner or party in legal control of the subject property and confirmation by the District that no activity has taken place under the permit.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.309, 373.313 FS. History—Readopted 10-5-74, Formerly 16J-3.11(4), Amended 7-1-90, 7-2-98, 2-1-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Staff Attorney, Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2012

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rule 40D-8.624, F.A.C., to establish minimum and guidance levels for Lake Hooker in Hillsborough County, FL pursuant to Section 373.042, Florida Statutes.

SUMMARY: Section 373.042, F.S., requires the District to establish minimum flows and levels for water bodies located within the District. The District is required to maintain and submit a priority list of water bodies to the DEP indicating the schedule for the establishment of minimum flows and levels. This rulemaking will establish minimum and guidance levels for Lake Hooker in Hillsborough County, Florida, one of the District’s listed priority waters. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area.

**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: This rulemaking will not result in increased costs to small businesses or other regulated entities as a result of the

proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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 IS: Christina Uranowski, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4271. (OGC File No. 2012013)

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-8.624 Guidance and Minimum Levels for Lakes.
  - (1) through (11) No change.
  - (12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (j) No change.					
(k) In Hillsborough County Within the Northwest Hillsborough River Basin	<u>Hooker, Lake</u> <u>S-1,12, T-29,</u> <u>R-20</u>	<u>43.9'</u>	<u>43.7'</u> <u>(CAT 3)</u>	<u>42.1'</u> <u>(CAT 3)</u>	<u>40.8</u>
	Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD)	61.2'	60.8' (CAT 1)	59.4' (CAT 1)	59.1'
(l) – (cc) No change.					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a)-(j) No change.			
(k) In Hillsborough County Within the Hillsborough River Basin LAKES			
Bellows, Lake (East Lake)	23.75'	21.50'	19.00'
Burrell, Lake	50.00'	47.50'	45.00'
Commiston, Lake	63.00'	60.50'	59.00'
Eckles, Lake	32.50'	30.00'	28.00'
Egypt, Lake	37.50'	35.00'	32.50'
Gornto, Lake	38.50'	36.00'	34.00'
Hanna, Lake	62.50'	59.50'	58.25'
Hart, Lake	66.00'	64.00'	63.00'
Hog Island, Lake	66.00'	64.00'	61.00'
<del>Hooker, Lake</del>	<del>45.00'</del>	<del>43.00'</del>	<del>42.00'</del>
Kathy, Lake	43.50'	42.50'	42.00'
Keene, Lake	63.00'	60.50'	59.00'
Kell, Lake	66.00'	63.50'	62.50'
Long, Lake	50.25'	48.00'	46.00'
Long Pond	46.50'	44.00'	42.00'
Mud, Lake (Lake Walden)	115.00'	112.50'	110.50'
Thonotosassa, Lake	37.00'	34.50'	33.00'
Unnamed Lake	63.00'	60.50'	59.00'
Unnamed Lake	61.00'	58.50'	57.00'
Valrico, Lake	45.00'	42.50'	41.00'
Weeks, Lake	43.25'	41.00'	39.50'
(l) – (cc) No change.			

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Staff Attorney, Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-13.002                      RULE TITLE: Credit for Experience

PURPOSE AND EFFECT: The Board proposes the rule repeal based on changes to Section 481.211, F.S., effective July 1, 2012.

SUMMARY: Based on changes to Section 481.211, F.S., effective July 1, 2012, the rule will be 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.2055, 481.211, 481.213(6) FS.

LAW IMPLEMENTED: 481.211 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 RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-13.002 Credit for Experience.

Rulemaking Authority 481.2055, 481.211, 481.213(6) Law Implemented 481.211 History—New 12-23-79, Formerly 21B-13.02, 21B-13.002, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-13.0021                      RULE TITLE: Intern Development Program

PURPOSE AND EFFECT: The Board proposes the rule repeal based on changes to Section 481.211, F.S., effective July 1, 2012, and the changes to Rule 61G1-13.001, F.A.C.

SUMMARY: Based on new legislation, the rule will be 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of

Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.211, 481.213(6) FS.

LAW IMPLEMENTED: 481.211, 481.213(3)(c) 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 RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-13.0021 Intern Development Program.

Rulemaking Authority 481.211, 481.213(6) FS. Law Implemented 481.211, 481.213(3)(c) FS. History—New 2-1-82, Amended 7-30-85, Formerly 21B-13.021, 21B-13.0021, Amended 1-10-99, 8-9-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-13.003  
RULE TITLE: Educational Requirements

PURPOSE AND EFFECT: The Board proposes the rule repeal in that there is no longer statutory authority for the rule based upon changes to Section 481.209, F.S., effective July 1, 2012.

SUMMARY: Based on changes to Section 481.209, F.S., effective July 1, 2012, the rule will be 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.209(1)(b), 481.2055 FS.

LAW IMPLEMENTED: 481.209(1)(b), 481.203(6) 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 RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-13.003 Educational Requirements.

Rulemaking Authority 481.209(1)(b), 481.2055 FS. Law Implemented 481.209(1)(b), 481.203(6) FS. History—New 12-23-79, Amended 11-26-80, 6-12-84, 1-20-85, Formerly 21B-13.03, Amended 4-16-87, 4-21-88, 6-13-90, 1-3-93, Formerly 21B-13.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-21.002  
RULE TITLE: Organization and Administration

PURPOSE AND EFFECT: The Board proposes the rule repeal based upon changes to Section 455.2179, F.S., effective July 1, 2012.

SUMMARY: Based upon changes to Section 455.2179, effective July 1, 2012, the rule will be 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.215(4), 481.2055 FS.

LAW IMPLEMENTED: 481.215(5) 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 RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.002 Organization and Administration.

Rulemaking Authority 481.215(4), 481.2055 FS. Law Implemented 481.215(5) FS. History—New 11-29-90, Formerly 21B-21.002, Amended 5-28-12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-304.900  
RULE TITLE: Statewide TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for mercury in all fresh and marine waters in Florida.

SUMMARY: The TMDL addresses impairments identified in fresh and marine surface waters within the state of Florida due to mercury in fish tissue. Specifically, the TMDL rule being

proposed for adoption addresses more than 1100 waterbody segments verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the TMDL was the percent reduction method. This rulemaking has been given OGC case number 12-1034.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will 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 been prepared by the agency.

Costs associated with monitoring effluent for mercury and the potential need to develop mercury minimization plans (MMPs) were estimated for 427 industrial and domestic wastewater National Pollutant Discharge Elimination System permittees in the state of Florida. The costs to implement mercury reductions can not be estimated until the outcomes of the monitoring and any needed MMPs are known. The initial costs have been estimated to exceed one million dollars.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 30, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.900 Statewide TMDLs.

The statewide mercury (total) TMDL for all fresh and marine waters in Florida is allocated as follows:

(1) The Wasteload Allocation (WLA) for all industrial and domestic wastewater sources holding NPDES permits in Florida, other than those sources covered under subsection 62-304.900(2), F.A.C., is 23 kg/yr mercury (total). Pursuant to paragraph 62-620.100(3)(m), F.A.C., domestic wastewater facilities with a permitted capacity of greater than one million gallons per day and all industrial discharges, other than once-through cooling waters at industrial wastewater facilities and those sources covered under subsection 62-304.900(2), F.A.C., that demonstrate quantifiable mercury (total) levels in their effluent (using clean techniques, such as EPA Method 1631e) will be required to prepare and implement a mercury minimization plan addressing sources of mercury (total) within their jurisdiction.

(2) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program or for other discharges primarily treating stormwater and not expected to add mercury (total) to their discharge, is generally not applicable; however, a permittee or co-permittee may be required to reduce mercury loads if sources of mercury (total) under the direct control of that permittee or co-permittee are found to exist.

(3) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin is an 86% reduction of mercury (total) from atmospheric sources, and

(4) The Margin of Safety is implicit.

(5) While the LA for mercury has been expressed as the percent reduction needed to attain the applicable narrative criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:  
64B5-7.003

RULE TITLE:  
Permit Requirements for Dental Interns and Residents

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

SUMMARY: The proposed rule amendment incorporates the necessary application to be completed regarding Permit Requirements for Dental Interns and Residents.

**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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.004(4), 466.025 FS.

LAW IMPLEMENTED: 466.025 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 RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.003 Permit Requirements for Dental Interns and Residents.

(1) Any person wishing to be issued a permit as a dental intern or resident, pursuant to shall apply to the Department as required in Section 466.025(1), F.S., shall apply on form DH-MQA 1224, (8/12), available at \_\_\_\_\_ or on the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>, and provide proof of the following:

- (a) Applicant’s name and age;:-
  - (b) Applicant’s graduation from a dental college or school or verification that the applicant is expected to graduate within the next sixty days (The proof submitted shall include either a true and correct copy of a diploma awarded by the dental school or college or a letter from the dean of the dental school or college.);:-
  - (c) Applicant’s licensure status in other jurisdictions, including disciplinary action and pending disciplinary action;:-
  - (d) The status of any dental malpractice actions that have been noticed or filed in any jurisdiction;:-
  - (e) The name and address of the internship or residency program at which the applicant will be practicing dentistry;:- and
- (2) through (5) No change.
- (6) Dental intern and resident permits are subject to cancellation, revocation or other discipline by the Board for failure to comply with Chapters 456 455 and 466, F.S., and Chapter 64B5, F.A.C.

Rulemaking Specific Authority 466.004(4), 466.025 FS. Law Implemented 466.025 FS. History—Repromulgated 1-1-75, Amended 1-9-77, Formerly 21G-7.03, Amended 1-29-89, Formerly 21G-7.003, Amended 8-12-93, 3-30-94, 7-18-94, Formerly 61F5-7.003, Amended 7-12-95, Formerly 59Q-7.003, Amended 11-10-98, 3-28-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

**DEPARTMENT OF HEALTH**  
**Board of Dentistry**

RULE NO.:                      RULE TITLE:  
64B5-7.005                      Teaching Permits  
PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference the application necessary to be completed.  
SUMMARY: The proposed rule amendment incorporates the new form into the Board’s rule regarding teaching permits.  
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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.002(6), 466.004(4) FS.  
LAW IMPLEMENTED: 466.002(6) 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 RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.005 Teaching Permits.

(1) through (4) No change.

(5) An applicant for a teaching permit shall submit form DH-MQA 225 (8/12), available at \_\_\_\_\_ or on the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

Rulemaking Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History—New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00, 1-12-04, 9-11-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

**DEPARTMENT OF HEALTH**  
**Board of Dentistry**

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

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

**SUMMARY:** The proposed rule amendment incorporates the revised application form into the forms rule.

**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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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:** 466.015, 466.004 FS.

**LAW IMPLEMENTED:** 456.015, 466.006, 466.007, 466.011 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 RULE IS:** Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

64B5-7.007 Limited License as Allowed in Section 456.015, F.S.

(1) A limited license shall be issued by the Board of Dentistry to an applicant who has retired or intends to retire from the practice of dentistry or dental hygiene and intends to practice only pursuant to the restrictions of the limited license granted pursuant to Section 456.015, F.S., if the applicant:

(a) through (d) No change.

(e) ~~Pays a fee of \$300.~~ If the applicant for a limited license submits a notarized statement from the employer stating the applicant will not receive monetary compensation for any service involving the practice of dentistry or dental hygiene, the application fee and all licensure fees shall be waived.

(f) Submits DOH Form MOA 1201, Application for Limited Licensure Dentist/Dental Hygienist (Rev. 8/12), incorporated herein by reference and available at <http://www.doh.state.fl.us/Mqa/dentistry> or available on the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

(2) No change.

**Rulemaking Specific Authority** 456.015, 466.004 FS. Law Implemented 456.015, 466.006, 466.007, 466.011 FS. History—New 7-19-01, Amended 6-22-05,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Dentistry

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Dentistry

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 17, 2012

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** May 11, 2012

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

**RULE NO.:**

**RULE TITLE:**

64B5-14.0032

Use of Physician Anesthesiologist

**PURPOSE AND EFFECT:** The proposed rule amendment allows pediatric dentists to transfer conscious sedation permits to a pediatric conscious sedation permits at the next biennial renewal.

**SUMMARY:** The proposed rule amendment sets forth the criteria for pediatric dentists to transfer conscious sedation permits to a pediatric conscious sedation permits at the next biennial renewal.

**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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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 RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.0032 Use of Physician Anesthesiologist.

(1) No change.

(2) *Pediatric Conscious Sedation Permit Holders:*

Pursuant to this rule section and notwithstanding any other rule provisions to the contrary, a pediatric dentist, as recognized by the American Dental Association, who has an active pediatric conscious sedation permit may perform dental treatment on pediatric patients in their respective outpatient dental office under any level of sedation when the anesthesia is performed and administered by a physician anesthesiologist. Until the end of the next biennial renewal cycle, following the effective date of this rule, pediatric dentists who hold a pediatric sedation permit or a conscious sedation permit are deemed to have met the permit requirement of this subsection. Pediatric dentists who hold a conscious sedation permit only, may transfer their conscious sedation permit to a pediatric conscious sedation permit for no additional costs beyond the biennial renewal fee at the next biennial renewal cycle following the effective date of this rule. All of the following conditions shall be met:

(a) through (e) No change.

(3) through (4) No change.

Rulemaking Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 8-20-12, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Dental Hygiene & Anesthesia Committee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2012

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-11.001

RULE TITLE: Advertising

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

SUMMARY: The proposed rule amendments clarify requirements with regard to advertising and set forth the criteria for triennial review of entities holding themselves out as board certified in dermatology.

**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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 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 RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-11.001 Advertising.

(1) No change.

(2) No physician shall disseminate or cause the dissemination of any advertisement or advertising which is in any way false, deceptive, or misleading. Any advertisement or advertising shall be deemed by the Board to be false, deceptive, or misleading if it:

(a) through (e) No change.

(f) States or implies that the physician has received formal recognition as a specialist in any aspect of the practice of medicine unless the physician has in fact received such recognition and such recognizing agency is approved by the Board. However, a physician may use on letterhead or in advertising a reference to the physician's specialty recognition received from a recognizing agency that has not been approved by the Board only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Medicine." For purposes of this rule, the Board approves the specialty boards of the American Board of Medical Specialties (ABMS) as recognizing agencies, and such other recognizing agencies as may request and receive future approval by the Board based upon the following criteria:

1. through 3. No change.

4. ~~The recognizing agency, if it is not an ABMS board, must require as part of its certification requirement that each member receiving certification be currently certified by a specialty board of the ABMS.~~

~~4.5-~~ No change.

~~5.6-~~ No change.

~~6.7.~~ No change.

(g) through (k) No change.

(3) through (7) No change.

(8) The recognizing agencies currently approved by the Board of Medicine include:

(a) through (b) No change.

(c) American Association of Physician Specialists, Inc./American Board of Physician Specialties (Approved February 2002).

(d) No change.

(9) No person licensed pursuant to Chapter 458, F.S., shall hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency is one of the specialty organizations recognized in Section 458.3312, F.S. or subsection (8) above and has been triennially reviewed and re-authorized by the Board of Medicine. In order to be re-authorized, the specialty organization must demonstrate that throughout the period of triennial renewal it has complied with the following criteria:

(a) The recognizing agency must be an independent body that certifies members as having advanced qualifications in a particular allopathic medical specialty through peer-reviewed demonstrations of competence in dermatology.

(b) Each specialty recognition awarded to an allopathic physician during the triennial review period must have required completion of an allopathic medical residency program approved by either the Accreditation Council of Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada in dermatology.

(c) Specialty recognition must require successful completion of a comprehensive examination administered by the recognizing agency pursuant to written procedures that ensure security and grading standards.

(d) The recognizing agency must have been determined by the Internal Revenue Service of the United States to be a legitimate not for profit entity pursuant to Section 501(c) of the Internal Revenue Code.

(e) The recognizing agency must have full time administrative staff, housed in dedicated office space which is appropriate for the agency's program and sufficient for responding to consumer or regulatory inquiries.

(f) The recognizing agency must have written by-laws, and a code of ethics to guide the practice of its members and an internal review and control process including budgetary practices, to ensure effective utilization of resources.

(g) Any recognizing agency seeking to submit to triennial review and to obtain reauthorization from the Board of Medicine shall submit to the Board of Medicine documentation of compliance with the criteria set forth in paragraphs (a) through (f) above in a format that is readable and easily understood. Such submission shall be made during the last six months of a triennial period and no less than 90 days prior to the end of a triennial period. Based upon review of the documentation submitted, the Board of Medicine will either grant or deny the request for reauthorization in writing prior to the expiration of the triennial period in which the documentation is submitted. The recognizing agency or any Florida licensed physician holding specialty certification from the recognizing entity shall have the right to challenge a written denial of reauthorization as provided in Section 120.57, F.S. and during the time it takes to complete such a challenge the provisions of Section 120.60(4), F.S. shall apply.

Rulemaking Authority 458.309 FS. Law Implemented 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, 5-7-97, Formerly 59R-11.001, Amended 1-31-01, 9-1-02, 1-16-07, 10-17-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2012

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.:	RULE TITLES:
64D-2.002	Definitions
64D-2.003	Confidentiality
64D-2.004	Testing Requirements
64D-2.006	Registration of HIV Testing Programs

**PURPOSE AND EFFECT:** The purpose is to revise rules to comply with updated statutes and streamline the HIV testing process in county health department clinic sites.

**SUMMARY:** The rules describe activities regarding: the requirements for persons conducting HIV testing in any setting, the receiving of consent from the person being tested, registering as a testing site, and the confidentiality of the persons tested.

**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: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a), F.S.

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:** 381.0011, 381.003, 381.004, 381.0041(10), 384.33 FS.

**LAW IMPLEMENTED:** 381.0011, 381.003, 381.004, 381.0031, 381.0041, 384.31, 456.061 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:** Marlene LaLota, HIV/AIDS and Hepatitis Program, Florida Department of Health, Bin #A09, 4052 Bald Cypress Way, Tallahassee, FL 32399-1715, telephone number (850)245-4423

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

64D-2.002 Definitions.

As used in this chapter, “HIV test,” “HIV test result,” “preliminary HIV test,” “Significant exposure,” and “Test subject” have the same meaning as in Section- 381.004(1)(2), F.S., and the following words and phrases shall have the following meanings:

(1) “Blood” – Whole human blood or components of human blood, including plasma.

(2) “Blood ~~Establishment Bank~~” – Any facility in Florida where blood or blood components are collected, processed, stored, tested, or distributed, or other eligible activities authorized by Title 21 Parts 211 and 600-640, Code of Federal Regulations (effective 2011), that is required to operate in a manner consistent with Title 21 Parts 211 and 600-640, C.F.R., and as defined in Section 381.06014, F.S. licensed under Chapter 483, Part I, F.S., including plasma centers, where blood or plasma is procured, donated, processed, stored or distributed. Title 21 Parts 211 and 600-640, C.F.R., are incorporated by reference and may be obtained from the Department of Health, HIV/AIDS and Hepatitis Program, 4052 Bald Cypress Way, Bin A09, Tallahassee, Florida 32399-1715, or may be found online at \_\_\_\_\_.

(3) “Confirmatory test” – A corroborative or supplemental HIV test, such as a Western Blot, licensed by the United States Food and Drug Administration (FDA) to validate a positive preliminary HIV test; or other supplemental or corroborative tests authorized by the ~~State~~ HIV/AIDS and Hepatitis Program in consultation with the Centers for Disease Control and Prevention (CDC), the Association of State and Territorial Public Health Laboratory Directors, or the FDA, e.g., the immunofluorescent assay (IFA) or Multispot.

(4) “Department” – Florida Department of Health.

~~(5)~~(4) “Health care facility” – A hospital, nursing home, clinic, blood bank, plasma center, sperm bank, clinical laboratory, intermediate care facility, ambulatory surgical center, public health facility licensed under Chapter 154, F.S., mental health facility licensed under Chapter 394, F.S., or drug treatment or rehabilitation facility licensed under Chapter 397, F.S., emergency center, walk-in emergency clinic, birthing center, or health maintenance organization.

~~(6)~~(5) “Health care provider” – Any licensed physician, dentist, podiatrist, naturopath, nurse, advanced registered nurse practitioner (ARNP), physician assistant, dental assistant, dental hygienist, paramedic, emergency medical technician, psychologist, mental health professional, lay midwife, any person licensed under the Division of Medical Quality Assurance at the DOH, an administrator, employee or agent of a health care facility or other person providing medical, nursing, psychological, or other health care services or medical or other students receiving training as health care professionals at a health care facility.

~~(7)~~(6) “Laboratory” – Any facility licensed under Chapter 483, F.S., where HIV tests are performed. This definition does not include blood establishment banks or plasma centers.

~~(8)(7)~~ “Medical personnel” – An authorized agent or employee of a health care facility, health care provider, health care professional, blood ~~establishment bank or plasma center~~; a licensed or certified health care professional; a medical or other student receiving training as a health care professional at a health care facility; a paramedic or emergency medical technician certified by the Department to perform life support procedures pursuant to the provisions of Section. 401.23, F.S.

~~(9)(8)~~ “Reasonable attempt” – A documented effort to locate an individual, for example: contact by last known phone number, relative’s phone number, agency contacts, or certified mail.

(10) “Residential facility” - A facility providing room and board and personal care for people in their care.

Rulemaking Specific Authority 381.0011(~~43~~), 381.003(2), 381.004(~~9~~)(~~10~~), 381.0041(~~10~~) FS. Law Implemented 381.0011, 381.003, 381.004 FS. History–New 11-6-85, Formerly 10D-93.62, Amended 7-12-89, 5-30-90, 1-20-92, 5-1-96, Formerly 10D-93.062, Amended 8-24-99, \_\_\_\_\_.

64D-2.003 Confidentiality.

(1) Any person, including employees of the department, ~~and any county health department, contract provider, testing program authorized by the department or health care facility,~~ and health care provider or health care facility shall comply with the confidentiality provisions of Section 381.004(~~2~~)(~~3~~)(e), (f), F.S., and this rule in administering the HIV test, protecting the identity of the test subject, and managing records which contain laboratory reports of HIV test results or any report or notation of a laboratory report of an HIV test.

(2) No person, including employees of health care facilities and health care providers as defined in subsections 64D-2.002(4) and (5), F.A.C., shall disclose or be compelled to disclose the identity of a test subject or his or her HIV test results, except to the following persons:

- (a) The subject of the test.
- (b) Any person designated in a legally effective release executed by the test subject prior to or after the performance of the HIV test. The following releases are legally effective:

1. A specific release that states the test subject’s HIV test results can be disclosed to a named third party, except that third party payers payors need not be specifically identified.

2. A general release that states the test subject’s medical record can be disclosed to a named third party, except that third party payers payors need not be specifically identified, provided the general release is preceded by the test subject’s express written authorization.

a. The prior written authorization shall state that the test subject’s HIV test results can be disclosed to third party payers payors, who need not be specifically identified, and to other persons to whom the test subject subsequently issues a general release of medical information.

b. Health care providers and health care facilities shall not honor a general release without this express prior written authorization if the material to be released would disclose the identity of a test subject or his or her HIV test result.

3. A hospital can honor a general release without prior written authorization, provided the hospital first obtains the test subject’s written informed consent in accordance with Rule 64D-2.004, F.A.C., and releases the information in accordance with Section 395.3025, F.S. The informed consent shall include a statement to the effect that the test subject’s HIV test results can be released to anyone to whom the test subject gives written permission to see or to copy his or her medical record.

(c) Any medical personnel who experience a significant exposure during the course of employment or in the performance of professional duties, or non-medical personnel who experience a significant exposure while providing emergency assistance.

(d) An authorized agent or employee of a health care facility or health care provider if:

1. The health care facility or health care provider itself is authorized to know or obtain the identity of a test subject or his or her HIV test result; and

2. The agent or employee has a “need to know” as defined in subparagraph 64D-2.003(2)(d)3., F.A.C., and performs one of the following functions:

- a. Participates in or administers the business operations of a health care provider or health care facility;
- b. Provides or participates in providing patient care; or
- c. Handles or processes specimens of body fluids, blood, blood components, organs, skin, semen, or other human tissue or body part or tissues.

3. An agent or employee has a need to know the identity of a test subject or his or her HIV test result if:

a. The agent or employee has a need to know ~~the identity of a test subject or his or her HIV test result~~ to discharge properly his or her duties in the ordinary course of participating in or administering the business operations of a health care facility or health care provider. Examples of these agents or employees are:

(I) Financial staff who compile or review patient records as part of routine billing activities.

(II) Transcribers who enter medical information into computers or records.

(III) Personnel involved in utilization review, risk management or peer review activities in which patient records are normally shared among reviewers.

(IV) Supervisors responsible for the activities described in sub-subparagraph 64D-2.003(2)(d)3.b., F.A.C.

- b. through c. No change.
- (e) through (f) No change.
- (g) A health care facility or health care provider which procures, processes, distributes, or uses:



1. A human body part from a deceased person, with respect to medical information regarding the person; or

2. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.

(h) Health care facility staff committees for the purposes of conducting program monitoring, program evaluation or service reviews. Health care facility staff committees include medical review committees as defined in Section 766.101, F.S.

(i) through (j) No change.

(k) Pursuant to Sections 960.003(2)-(5), F.S., and Section 775.0877(2), F.S., the victim of a criminal offense involving the transmission of body fluids from one person to another shall, upon request, obtain the HIV test results of the person charged with or convicted of the criminal offense. The test results shall be disclosed in accordance with Section 381.004(2)(e)(3)(e), F.S. The test results shall not be disclosed to any other person except as expressly authorized by law or court order.

(l) In accordance with specific circumstances established in Section 456.061 455-674, F.S., a practitioner regulated through the Division of Medical Quality Assurance within the Department of Health can disclose the identity of an HIV positive patient to the patient’s sex or needle-sharing partner. Any notification of a sex or needle-sharing partner pursuant to this section shall be done in accordance with the “Partner Notification Protocol for Practitioners”, dated April 2012 March 1999, incorporated by reference in this rule. This protocol can be obtained from the Department of Health, Bureau of HIV/AIDS and Hepatitis Program, 4052 Bald Cypress Way, Bin A09, Tallahassee, Florida 32399-1715, or online at the program’s website at http://www.doh.state.fl.us/disease\_ctrl/aids/legal/protocols.html or at \_\_\_\_\_.

(m) Employees of the Department of Children and Families, child placing or child-caring agencies, or of family foster homes licensed pursuant to Section 409.175, F.S., who are directly involved in the placement, care, control, or custody of a test subject and have a need to know such information pursuant to subsection 65C-28.004(9) 40M-6.120, F.A.C. (effective 5/4/2006); the adoptive parents of the test subject pursuant to Rule 65C-16.011, F.A.C. (effective 11/30/2008); or the adult custodian, adult relative or other person who is responsible for the child’s welfare, if the test subject was not tested pursuant to Section 384.30, F.S., and if, after a reasonable attempt, the parent or legal guardian cannot be located and informed of the test result. The details of the reasonable attempt must be documented in the medical record of the child. The Rules of the Department of Children and Families are incorporated by reference and can be obtained from the Department or online at \_\_\_\_\_ or \_\_\_\_\_.

(n) No change.

(o) A person allowed access by a court order which is issued in compliance with Section 381.004(2)(3)(e)9., F.S.

(p) No change.

(3) All patient records, client records or medical records containing HIV test results are recommended to be kept in the following manner:

(a) through (d) No change.

~~(4)(e)~~ A subpoena for medical records containing HIV test results is not sufficient to release such records, except for HIV testing performed in hospitals as provided in Section 381.004(3)(g), F.S.

~~(5)(4)~~ Pursuant to Section 381.004(3)(f), F.S., oral disclosure of HIV test results shall be accompanied by oral notice and followed by a written notice within 10 days. This written notice shall include the following statement: “This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose.” This written statement shall not be required for disclosures made in accordance with Sections 381.004(3)(e)3., and 4., F.S.

~~(6)(5)~~ The anonymity of individuals tested for HIV in county health department anonymous test sites or other testing programs approved through the department registration process to conduct anonymous testing, shall be ensured as follows:

(a) through (d) No change.

Rulemaking Specific Authority 381.0011, 381.004(10), 381.0041(9)(10), 384.33 FS. Law Implemented 381.0011, 381.0031(4), 381.004, 381.0041, 456.061 455-674 FS. History—New 11-6-85, Formerly 10D-93.64, Amended 7-12-89, 5-30-90, 1-20-92, Formerly 10D-93.064, Amended 8-24-99, \_\_\_\_\_.

64D-2.004 Testing Requirements.

(1) Pursuant to Section 381.004(2)(3)(a), F.S., informed consent shall be obtained prior to testing for HIV except in the limited situations outlined in Section 381.004(2)(3)(h), F.S. Informed consent shall include an explanation that the information identifying the test subject and the results of the test are confidential and protected against further disclosure to the extent provided by law. Information shall also be included on the fact that persons who test positive will be reported to the local county health department, that anonymous testing is available and the locations of anonymous testing sites.

~~(2) In addition to the information on confidentiality, reporting and anonymous testing listed above, an explanation of the following information constitutes sound and reasonable practice in providing information sufficient to secure informed consent:~~

~~(a) An HIV test is a test to determine if an individual is infected with the virus which causes AIDS;~~

~~(b) The potential uses and limitations of the test;~~

~~(c) The procedures to be followed; and~~

~~(d) HIV testing is voluntary and consent to be tested can be withdrawn at any time prior to testing.~~

~~(2)(3)~~ Informed consent to perform a test for HIV need not be in writing, except in the situations listed below in subsection 64D-2.004~~(3)(4)~~, F.A.C., if there is documentation in the medical record that the test has been explained and consent has been obtained.

~~(3)(4)~~ Informed consent to perform a test for HIV shall be in writing for the following:

(a) From the potential donor or from the donor's legal representative prior to the first donation of blood, blood components plasma, organs, skin, semen, or other human tissue or body part. The consent form must specify that the donor is consenting to repeated HIV testing of each of his donations for the subsequent year. The consent form must be signed annually prior to transfusion or other use;

(b) through (c) No change.

~~(4)(5)~~ The following minors can be tested for HIV without parental consent provided the minor gives informed consent:

(a) through (c) No change.

~~(5)(6)~~ Any health care provider attending a pregnant woman for conditions related to her pregnancy shall cause the woman to be tested for HIV ~~counsel the woman on the potential benefits, potential risks and limitations of treatment to reduce the risk of transmission from infected women to their babies and offer HIV testing~~ in accordance with Section 384.31, F.S., and Rule 64D-3.042, F.A.C.

~~(6)(7)~~ Pursuant to Section 381.004~~(7)(8)~~, F.S., the Department of Health developed the Model Protocol for HIV Counseling and Testing In Health Care Settings for County Health Departments and Registered Testing Programs, dated ~~July 20, 2012~~ March 29, 1999, and the Model Protocol for HIV Counseling and Testing In Non-Health Care Settings Conducted Outside County Health Departments and Registered Testing Programs, dated ~~July 20, 2012~~ March 29, 1999, consistent with the provisions of this section and incorporates these documents by reference in this rule. The model protocols can be obtained from the Department of Health, Bureau of HIV/AIDS and Hepatitis Program, 4052 Bald Cypress Way 2020 Capital Circle, S. E., Bin #A09, Tallahassee, Florida 32399-1715, or online at the program's website at: [http://www.doh.state.fl.us/disease\\_ctrl/aids/legal/ctforonchd.htm](http://www.doh.state.fl.us/disease_ctrl/aids/legal/ctforonchd.htm) and [http://www.doh.state.fl.us/disease\\_ctrl/aids/legal/ctforchd.htm](http://www.doh.state.fl.us/disease_ctrl/aids/legal/ctforchd.htm), or at \_\_\_\_\_ or \_\_\_\_\_.

~~(7)(8)~~ Persons ordering an HIV test must ensure that all reasonable efforts are made to notify the test subject of the test result and relate certain information to the test subject in accordance with Section 381.004~~(2)(3)(c)~~, F.S., and the applicable Model Protocol for HIV Counseling and Testing specified in subsection 64D-2.004~~(6)(7)~~, F.A.C. If the test subject was tested in a facility, such as a jail or hospital emergency department, and was released before being notified of a positive HIV test result, the facility may inform the county

health department to notify the test subject. Blood establishments banks and persons who collect blood, organs, skin, semen, or other human tissue or body parts shall comply with Rule 64D-2.005, F.A.C., and Sections 381.0041(5), (6), F.S.

Rulemaking Specific Authority 381.0011, 381.004~~(9)(10)~~, 381.0041~~(10)~~, 384.33 FS. Law Implemented 381.0011, 381.0031(4), 381.004, 381.0041, 384.31 FS. History—New 11-6-85, Formerly 10D-93.67, Amended 7-12-89, 1-20-92, 5-1-96, Formerly 10D-93.067, Amended 8-24-99, \_\_\_\_\_.

64D-2.006 Registration of HIV Testing Programs.

(1)(a) All county health departments and persons who conduct or make any personal, telephone or mail contact or other communication to a person, or make any announcement, solicitation, display, or advertisement to inform the general public that they are conducting a testing program as defined in Rule 64D-2.006(1)(b), F.A.C., below, must first register with the Department of Health, Bureau of HIV/ AIDS and Hepatitis Program, and must reregister annually. Initial registration and subsequent reregistration shall be approved by the department based upon compliance with Section 381.004~~(4)(5)~~, F.S.

(b) No change.

(c) When the testing program satisfactorily completes the registration or reregistration requirements, the department shall send via electronic or regular mail a certificate of registration to the program.

(2) An application for initial registration to conduct an HIV testing program shall be made to the department on DH Form 1781, 2/05 11/98, Application for Registration and Reregistration of HIV Testing Programs, incorporated by reference in this rule. The application can be obtained from the Department of Health, Bureau of HIV/AIDS and Hepatitis Program, 4052 Bald Cypress Way, S. E., Bin A09, Tallahassee, Florida 32399-1715, or online at \_\_\_\_\_. A completed application shall be mailed to the Department of Health, Bureau of HIV/AIDS and Hepatitis Program, Attention: Counseling and Testing Program Registration at the same address and shall be accompanied by the \$100.00 initial registration fee in accordance with Sections 381.004(8)(a)-(b), F.S. No fee is required for reregistration.

(3) No change.

(4) Persons or facilities receiving funding pursuant to Section 381.004~~(3)(4)~~, F.S., shall be exempt from payment of the initial registration fee.

~~(5) Effective October 1, 1998~~, HIV testing programs must reregister with the department annually. The application form for reregistration, DH Form 1781, 2/05 11/98, will be mailed by the Department of Health, Bureau of HIV/AIDS and Hepatitis Program, to the registered testing program 60 days prior to the program's reregistration date. ~~Reregistration dates have been established as follows:~~

~~(a) Testing programs registered with the department prior to October 1, 1998, will be notified in writing of their reregistration date by January 31, 1999.~~

~~(b) Testing programs who register with the department on or after October 1, 1998, will be sent a certificate of registration with a designated reregistration date.~~

(6) through (9) No change.

(10) The department shall deny, suspend, or revoke the registration of a person or agency which:

(a) fails to comply with Section 381.004(4)(5), F.S., or the rules in implementation thereof; or

(b) causes to happen an intentional or negligent act which physically or materially affects the health, safety, or welfare of the person receiving services.

(11) Pursuant to Section 381.004(4)(5)(a), F.S., the program shall be directed by a person with a minimum of 15 contact hours of experience in counseling persons with human immunodeficiency virus. Examples of counseling include: informing a test subject of an HIV-positive test result; providing case management services to HIV-infected persons; facilitating a support group for HIV-infected persons; and providing medical care.

(12) Each person providing post-test counseling to a patient with a positive test result shall have received specialized training which shall be equivalent to the Department of Health specialized training in providing post-test counseling to HIV-positive clients. Specialized training must include information on the following:

(a) Confidentiality, the meaning of a positive test result and the importance of not donating blood, blood components products, human tissues, organs, body parts, or sperm;

(b) Early intervention, referrals and linkages to care/services;

(c) Prevention of secondary HIV transmission;

(d) Partner ~~counseling and referral~~ services;

(e) HIV infection reporting; and

(f) Documentation of test results.

Rulemaking Specific Authority 381.004 FS. Law Implemented 381.004 FS. History—New 11-29-89, Amended 5-1-96, Formerly 10D-93.076, Amended 8-24-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marlene LaLota

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2012

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.:  
68B-2.006

RULE TITLE:  
Restricted Species License Exemption

PURPOSE AND EFFECT: The purpose of this new rule is to create an exemption from the income requirements associated with a restricted species endorsement for honorably discharged veterans. This rule would assist Florida’s veterans wishing to enter the commercial fishing industry.

The primary effect of this rule would be to allow a one-time exception to the restricted species endorsement income requirement for resident veterans under specific circumstances. This rule will affect resident veterans honorably discharged between September 11, 2001 and June 30, 2014, and future veterans. Normally, to qualify for a restricted species endorsement one must possess a Florida Saltwater Products License as well as prove that \$5,000 or 25% of their total income during one of the past three years has been attributable to reported landings and sales of saltwater products to a Florida wholesale dealer. Additionally, veterans with at least a 10% disability will only have to prove \$2500 in income from the sales of saltwater products yearly.

SUMMARY: Rule 68B-2.006, F.A.C., (Restricted Species License Exemption) would be added to allow an income exemption from the restricted species endorsement qualification requirements for honorably discharged veterans. The income requirements would be waived for resident veterans honorably discharged between September 11, 2001, and June 30, 2014, who apply for an SPL with an RS endorsement between implementation of the rule and June 30, 2014. After June 30, 2014, the draft rule provides a one year waiver for the income requirement for resident veterans who apply for an SPL and an RS within four years of honorable discharge. The draft rule would also waive the income requirements for one year for any honorably discharged military veteran certified to be at least 10% permanently disabled from service related disabilities. In all subsequent years, a veteran with disabilities will only be required to provide proof of \$2,500 in income from the sale of saltwater products instead of the current requirement of \$5,000 or 25% of income.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting December 5-6, 8:30 a.m. – 5:00 p.m., each day

PLACE: Franklin County Courthouse, 33 Market Street, Apalachicola, FL 32320

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: The 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 IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-2.006 Restricted Species License Exemption.

(1) An honorably discharged resident military veteran certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces to be at least 10% permanently service-connected disabled, upon proof of the same, shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license and is a one-time exemption. A restricted species endorsement may be issued on an individual saltwater products license thereafter where such disabled resident veteran documents that at least \$2500 of such person’s income is attributable to the sale of saltwater products.

(2) Beginning July 1, 2014, a resident military veteran who applies to the Commission within 48 months after an honorable discharge from any branch of the United States Armed Forces, the Reserves, the Florida National Guard, or the U.S. Coast Guard shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license and is a one-time exemption per military enlistment.

(3) Until June 30, 2014, a resident military veteran who applies to the Commission and who received an honorable discharge from any branch of the United States Armed Forces, the Reserves, the Florida National Guard, or the U.S. Coast Guard between September 11, 2001, and June 30, 2014, shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license.

Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2012

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:

68B-35.003

68B-35.0035

68B-35.004

RULE TITLES:

Size Limits; Prohibition of Sale; Landing in Whole Condition

Bag Limits

Gear Specifications and Prohibited Gear

68B-35.005 Pompano Endorsement Regulations  
68B-35.006 Closed Season

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to implement the original intent of previous rule changes, correct rule language errors, and eliminate sources of confusion in the Florida Fish and Wildlife Conservation Commission's (Commission) pompano, African pompano, and permit rule. The Commission implemented new regulations for permit, Florida pompano and African pompano in August of 2011. These regulatory changes extended Florida's regulations for permit and Florida pompano into federal waters, where they were previously unregulated. They also reduced the commercial permit fishery and divided the state into two separate permit management zones, reflecting differences in the recreational fishery around the state. Several technical issues have been discovered with the new rule language since it was implemented. Because of these errors, portions of the current rule do not reflect the Commission's intent. When initially proposed, the new Special Permit Zone (SPZ) in the Keys overlapped with the existing Pompano Endorsement Zone (PEZ). Commercial harvest of permit was prohibited in the SPZ, but several exceptions were made in order to allow Pompano Endorsement (PE) holders to harvest, possess, and land permit taken as bycatch when targeting Florida pompano in areas where the SPZ and PEZ overlapped. However, the boundaries of the SPZ were modified prior to implementation and the overlap with the PEZ was eliminated, making these exceptions to the SPZ regulations unnecessary. Additionally, the Florida pompano daily sale limit would be modified by applying the limit to all commercial harvesters except those fishing in the PEZ under a PE, as originally intended. The current rule language incorrectly applies the 250-fish limit to PE holders, who do not have a daily bag limit for Florida pompano when fishing in the PEZ. Rule language changes would also clarify that the harvest of permit as bycatch with a gill net is only legal in federal waters.

The primary effect of this rule amendment is to eliminate confusion regarding the fact that commercial harvest and possession of permit in the SPZ is prohibited. The amendment would also eliminate potential confusion about the application of permit gear rules and allow all commercial harvesters of Florida pompano to sell their entire legal catch daily, as intended.

**SUMMARY:** Rule 68B-35.003, F.A.C., (Size Limits; Prohibition of Sale; Landing in Whole Condition) would be amended to remove the unnecessary exception to the recreational size limit for permit harvested from the Special Permit Zone (SPZ). Rule 68B-35.0035, F.A.C., (Bag Limits) would be modified to remove unnecessary exceptions to the one-permit bag limit for the SPZ. The daily sale limit of 250 Florida pompano would also be moved to this section of the rule. This daily sale limit would be modified by applying the limit to all commercial harvesters except those fishing in the Pompano Endorsement Zone under a Pompano Endorsement,

as originally intended. Rule 68B-35.004, F.A.C., (Gear Specifications and Prohibited Gear) would be modified to correctly reflect that the harvest of permit as bycatch with a gill net is only legal in federal waters. Rule 68B-35.005, F.A.C., (Pompano Endorsement Regulations) would be modified by removing the daily sale limit for Florida pompano from this section and replacing it with a corrected version of the provision in Rule 68B-35.0035, F.A.C. Rule 68B-35.006, F.A.C., (Closed Season) would be amended to remove an unnecessary exception to the closed season for harvest of permit from the SPZ.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:**

**DATES AND TIME:** During the Commission's regular meeting December 5-6, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Franklin County Courthouse, 33 Market Street, Apalachicola, FL 32320

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: The 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 RULES IS:** Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-35.003 Size Limits; Prohibition of Sale; Landing in Whole Condition.

(1) Permit Size Limits –

(a) Recreational Size Limits

1. Within the Special Permit Zone, no person shall harvest, possess, or land within or without state waters, any permit with a fork length less than 22 inches, ~~except as provided in paragraph 68B-35.0035(1)(d), F.A.C.~~

2. No change.

(b) No change.

(2) through (4) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, 3-1-05, 8-29-11, \_\_\_\_\_.

68B-35.0035 Bag Limits.

(1) Permit Bag Limits –

(a) Recreational Bag Limit

1. Within the Special Permit Zone, no person shall recreationally harvest or possess at any time within or without state waters or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters more than one (1) permit per person per day, provided that no more than two (2) permit shall be possessed aboard any vessel at any time. The possession of any permit on a vessel that is harvesting for commercial purposes within the Special Permit Zone is prohibited, ~~except as provided in subparagraph 68B-35.0035(1)(b)2., F.A.C.~~ On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish within or without state waters, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crew person of such vessel.

2. No change.

(b) Commercial Bag Limit.

1. No change.

2. Persons harvesting permit as incidental bycatch pursuant to paragraph 68B-35.004(5)(a), F.A.C., shall be subject to a daily harvest, landing, and possession limit of 100 permit. Possession of commercial incidental bycatch quantities of permit is prohibited within the Special Permit Zone, ~~except for Pompano Endorsement holders within the Pompano Endorsement Zone harvesting pursuant to Rule 68B-35.005, F.A.C.~~

(2) Pompano Bag Limits –

(a) No change.

(b) Pompano Commercial Daily Harvest Limits –

1. through 2. No change.

3. Purchase and Sale – At the initial sale, no wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the

dealer a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement. Except for Pompano Endorsement holders harvesting within the Pompano Endorsement Zone pursuant to Rule 68B-35.005, F.A.C., no person harvesting for commercial purposes shall sell more than 250 individual pompano per day.

(3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History–New 8-29-11, Amended \_\_\_\_\_.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) through (2) No change.

(3) Permit Gear – ~~The Except as provided in paragraph 68B-35.004(5)(a), F.A.C., the harvest or attempted harvest of any permit in or from state waters by or with the use of any gear other than hook and line gear is prohibited. Except as provided in paragraph 68B-35.004(5)(a), F.A.C., the The~~ harvest or attempted harvest of any permit in adjacent federal EEZ waters by or with the use of any gear other than hook and line and spearing gear is prohibited.

(4) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended 11-1-01, 1-1-04, 8-29-11, \_\_\_\_\_.

68B-35.005 Pompano Endorsement Regulations.

(1) No change.

(2) Pompano Endorsement Zone

(a) through (b) No change.

~~(e) Sale—At the initial sale, no wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement. No person harvesting for commercial purposes pursuant to a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement shall sell more than 250 individual pompano.~~

(d) through (e) renumbered (c) through (d) No change.

(3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History–New 11-1-01, Amended 1-1-04, 8-29-11, \_\_\_\_\_.

68B-35.006 Closed Season.

Inside the Special Permit Zone, no person shall harvest, possess, purchase, sell or exchange any permit within or without state waters during the months of May, June, and July of each year ~~except as provided in paragraph 68B-35.0035(1)(d), F.A.C.~~ During this closed season, the

possession of permit while in or on the waters of the Special Permit Zone, including any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History—New 8-29-11, Amended.

PROPOSED EFFECTIVE DATE: As soon as possible after filing

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

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

#### DEPARTMENT OF EDUCATION

##### Florida’s Office of Early Learning

RULE NO.:                      RULE TITLE:  
6M-4.610                      Statewide Provider Contract for the  
  School Readiness Program

#### NOTICE OF PUBLIC HEARING

The Florida’s Office of Early Learning announces an additional hearing regarding the above rule, as noticed in Vol. 38, No. 27, July 6, 2012, Florida Administrative Weekly.

DATE AND TIME: October 24, 2012, 3:00 p.m. – 4:30 p.m. or until business is concluded

PLACE: Florida’s Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32301, or via WebEx which may be accessed at the following website:

[http://www.floridaearlylearning.com/EarlyLearning/OEL\\_Program\\_ProposedRulesNotices.html](http://www.floridaearlylearning.com/EarlyLearning/OEL_Program_ProposedRulesNotices.html)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the text of the proposed rule and Form OEL-SR 20.

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: Ed Hoover at (850)717-8550. 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).

#### DEPARTMENT OF EDUCATION

##### Florida’s Office of Early Learning

RULE NO.:                      RULE TITLE:  
6M-4.610                      Statewide Provider Contract for the  
  School Readiness Program  
  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. 38, No. 27, July 6, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-4.610 Statewide Provider Contract for the School Readiness Program.

(1) The Statewide School Readiness Provider Contract (Form OEL-SR 20, dated ~~September~~ August 2012) is hereby incorporated by reference, and may be obtained from Florida’s Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, Florida 32399, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.floridaearlylearning.com>.

(2) An early learning coalition may not pay a School Readiness (SR) provider after January 31, 2013, which registers to offer the SR program on or after October 1, 2012, except under the Statewide School Readiness Provider Contract ~~executed~~ adopted herein with the coalition. A coalition must be a party to a Statewide School Readiness Provider Contract.

(3) The Statewide School Readiness Provider Contract may be in effect for a term of up to three (3) years, at the discretion of the coalition, after which point the Statewide School Readiness Provider Contract must be executed again. A school district may sign a single Statewide School Readiness Provider Contract on behalf of all public schools in the district offering the SR program. The ~~authorized representative owner or manager~~ of multiple private child care providers sites may sign a single Statewide School Readiness Provider Contract on behalf of all of his or her private providers sites within an early learning coalition service area ~~in which it operates~~.

(4) To request participation in the SR program, a provider must complete and execute a copy of the Statewide School Readiness Provider Contract and submit all required documentation as indicated in the Statewide School Readiness Provider Contract to the early learning coalition under which the provider will operate. Upon determination that a provider is

eligible to participate in the SR program, an early learning coalition shall complete and execute the Statewide School Readiness Provider Contract which has been executed by the provider.

(5) An early learning coalition which determines a provider is eligible to offer the SR program shall forward a copy of the fully executed Statewide School Readiness Provider Contract to the SR provider to inform the provider of its eligibility to offer the SR program. A coalition shall keep the original fully executed Statewide School Readiness Provider Contract in the coalition's records on the SR provider.

(6) Neither a coalition nor an SR provider may omit, supplement, or amend the terms and conditions of the Statewide School Readiness Provider Contract. Neither a coalition nor an SR provider may include any attachments, addenda, or exhibits to the Statewide School Readiness Provider Contract except Exhibit 1 (Provider Location List) and Exhibit 2 (Required Documentation) which are incorporated as part of Form OEL-SR 20.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)9. FS. History--New\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.:           RULE TITLE:  
19B-4.001           Application

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.:           RULE TITLE:  
19B-4.005           Maximum Account Balance Limit

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.:           RULE TITLE:  
19B-6.001           Fee Schedule

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.:           RULE TITLE:  
19B-16.001          Application of Rule Chapter;  
                                  Definitions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.:           RULE TITLE:  
19B-16.002          Application for Participation in the  
                                  Program

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 37, September 14, 2012 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

**DEPARTMENT OF CITRUS**

RULE NOS.:           RULE TITLES:  
20-9.001           Fresh Form  
20-9.008           Utilization of Certificate of Deposit  
                                  in Lieu of Bond



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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-9.001(2) Payment guaranteed by bond, deposit, or letter of credit: To guarantee payment of assessments, handlers shall post a surety bond, cash bond, certificate of deposit or letter of credit, as provided in either Section 20-9.005 or 20-9.008 ~~or \_\_\_\_\_~~, F.A.C.

20-9.008(3) The certificate of deposit shall be issued in the name of the licensed handler and ~~accompanied by the State of Florida, Department of Citrus. The handler shall present a certificate of deposit and~~ an executed assignment of such handler's interest in the certificate in favor of the State of Florida, Department of Citrus on the Assignment form CIT/REV/07 REV. 7-11-07, incorporated by reference in 20-100.004(38) and a letter from the issuing bank acknowledging the assignment of the certificate of deposit to the State of Florida, Department of Citrus a form to be provided by the Department of Citrus.

**DEPARTMENT OF CITRUS**

RULE NO.:                      RULE TITLE:  
20-10.001                      Charitable and Unemployment Relief Shipments

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-10.001(2) All persons who desire to make such sales or shipments shall first secure a Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes (permit), incorporated by reference in subsection 20-100.004(9), F.A.C., special permit for each such shipment by submitting an Application for Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes (application), incorporated by reference in subsection 20-100.004(8), F.A.C application on forms to be furnished by the Department of Citrus. Each applicant for such permit shall guarantee payment of assessments as provided in Department of Citrus Rule 20-9, or pay these assessments at the time such permit is issued; however, shipments for charitable purposes are exempt from all advertising assessments by Section 601.501, Florida Statutes. In addition, the permit applicant must assume the responsibility of having the receiver of each shipment under such a permit mail to the Department of Citrus, within ten days of receipt of shipment, a Statement Relating to Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purpose, incorporated by reference in 20-100.004(10),

F.A.C. an affidavit attesting that the fruit was received and used exclusively for the purposes stated in the permit application.

**DEPARTMENT OF CITRUS**

RULE NO.:                      RULE TITLE:  
20-13.003                      Fruit Classification and Standards Committee – Membership

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

20-13.003 Fruit Classification and Standards Committee – Membership.

There is hereby created and established an advisory committee of the Florida Citrus Commission designated as the "Fruit Classification and Standards Committee," consisting of nine members appointed annually by the chair, subject to commission concurrence, Commission as follows:

Rulemaking Specific Authority 601.10(1),(7), 601.11, 601.9910(3) FS. Law Implemented 601.04(3)(b) FS. History—Formerly 105-1.34(2), Revised 1-1-75, Formerly 20-13.03, Amended.

**DEPARTMENT OF CITRUS**

RULE NO.:                      RULE TITLE:  
20-50.001                      Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NOS.:                      RULE TITLES:  
20-50.002                      Seedless Grapefruit for Fresh Use Maturity Standards  
20-50.003                      When Seedless Grapefruit Shall be Deemed Mature  
20-50.004                      Seeded Grapefruit for Fresh Use Maturity Standards  
20-50.005                      When Seeded Grapefruit Shall be Deemed Mature

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments: Rule 20-50.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-50.001~~2~~, 20-50.002~~3~~, 20-50.003~~4~~ and 20-50.004~~5~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

**DEPARTMENT OF CITRUS**

RULE NO.:                 RULE TITLE:  
20-51.001                 Purpose

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NO.:                 RULE TITLE:  
20-51.002                 Minimum Ratios of Solids to Acid

**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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-51.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-51.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. As such, although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

**DEPARTMENT OF CITRUS**

RULE NO.:                 RULE TITLE:  
20-52.001                 Purpose

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38 No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NOS.:	RULE TITLES:
20-52.002	Minimum Juice Content
20-52.003	Determination of Unusual or Abnormal Conditions
20-52.004	Establishment of Different Sizes

**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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-52.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-52.001~~2~~, 20-52.002~~3~~ and 20-52.003~~4~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language:

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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. As such, although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-52.003~~4~~ (1) The Department may establish by rule regulation different sizes, including changes in diameter ranges for existing sizes, for grapefruit based on the number of grapefruit as packed commercially.

**DEPARTMENT OF CITRUS**

RULE NO.:                 RULE TITLE:  
20-53.001                 Purpose

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38 No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NOS.:	RULE TITLES:
20-53.002	Oranges for Fresh Use Maturity Standards
20-53.003	Maturation of Oranges Earlier Than Normal

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-53.001 was withdrawn, requiring the renumbering of the remaining rules as follows: 20-53.001~~2~~ and 20-53.002~~3~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-53.001~~2~~ (1)(d) The total soluble solids of the juice of the sample is not less than 9 percent;

20-53.001~~2~~ (2)(c) With yellow color predominating on not less than 50 percent of the fruit’s surface in the aggregate (the Parson Brown variety need show only such a break in color on not less than 25 percent of the fruit’s surface in the aggregate);

20-53.002~~3~~ (1) If in any particular shipping season it shall appear to the Department of Citrus, after a public hearing held not earlier than October 5 and called and held to determine such question, that oranges are then maturing earlier than normally as provided in 20-53~~2~~ F.A.C., the Department of Citrus may by order, or rule, or regulation to be issued or promulgated and to become effective not later than October 10, declare and provide that during that period of time beginning with August 1 and ending with October 16, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample is not less than 9 percent;

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:  
20-54.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:  
20-54.002 Minimum Ratios of Solids to Acid

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-54.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-54.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:  
20-55.001 Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:  
20-55.002 Tangerine Maturity Standards

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-55.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-55.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the

rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

**DEPARTMENT OF CITRUS**

RULE NO.: 20-56.001  
 RULE TITLE: Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NO.: 20-56.002  
 RULE TITLE: Minimum Ratios of Solids to Acid

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC comments:

Rule 20-56.001 was withdrawn, requiring the renumbering of the remaining rule as follows: 20-56.001~~2~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language: 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 maturity standards currently in statute will sunset on January 1, 2013 and these rules will become effective on this date. The industry will continue using the same standards as those relied upon for over 60 years in statute. Although the rules are new, the standards are not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

20-56.001~~2~~ (1) (In the last entry of the table there is a change)

10.5 percent	10.56 percent	7.5 to 1
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20-56.001~~2~~ (2) ~~After From~~ November 15th of each year to July 31 of the following year, both dates inclusive, to determine the minimum ratio of the total soluble solids of the juice of tangerines to the anhydrous citric acid, the following table shall be used:

(an entry from the table was omitted)

9.60 percent	9.70 percent	8.15 to 1
9.70 percent	9.80 percent	8.05 to 1
9.80 percent	9.90 percent	7.95 to 1

**DEPARTMENT OF CITRUS**

RULE NO.: 20-82.001  
 RULE TITLE: Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE NO.: 20-108.004  
 RULE TITLE: Determination of Minimum Bond Required

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. 38, No. 34, August 24, 2012 issue of the Florida Administrative Weekly.

As a result of JAPC review:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language:

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 bond schedule currently in statute has been removed by the 2012 Legislature. The industry will continue using the same bond schedule as the one relied upon for over 60 years in statute. Although the rule is new, the schedule is not; therefore, the industry will not incur any additional regulatory costs nor will there be any adverse impact on small business.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-8.006  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

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. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

The changes are due to concerns by the Joint Administrative Committee in their letters dated May 7, 2012 and July 3, 2012 and due to language being inadvertently omitted. The changes are as follows:

1. Subsection (3)(a) shall now read as: Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or board. (Sections 456.072(1)(h) or 464.018(1)(a), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$10,000 fine and revocation</u>

2. Subsection (3)(c)1. shall now read as: Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (Sections 456.072(1)(c), 464.018(1)(c), misdemeanors in violation of Section 464.018(1)(d)3., or (d)7., or 464.018(1)(e), for crimes set forth in Sections 435.04(2)(a) through (t), (v) through (dd) or (ff), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>Revocation</u>

3. Subsection (3)(c)2. shall now read as: Being found guilty, regardless of adjudication, of a violation of Chapter 776, 784, 812, 827, 415 or 39, F.S. (Sections 464.018(1)(d)1., (d)2., (d)5., (d)6., (d)7., or (d)8., or a misdemeanor violation of Chapter 409 or 817, F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>Revocation</u>

4. Subparagraph (3)(c)3. shall now read as: Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a felony violation of Chapter 409, 817 or 893, or of any crime related to health care fraud, F.S. (Sections 456.072(1)(ll), 464.018(1)(d)3., or 464.018(1)(e) for crimes set forth in Section 435.04(2)(u) or (ee), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$10,000 fine and probation</u>	<u>\$10,000 fine and revocation</u>

5. Paragraph (3)(d) shall now read as: Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so; Intentionally submitting a claim, statement or bill that has been

upcoded as defined in Section 627.736, F.S., for a PIP claim or for services that were not rendered. (Section 456.072(1)(l), (ee) or (ff) or 464.018(1)(f), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, continuing education or probation</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension</u>	<u>\$10,000 and revocation</u>

6. Paragraph (3)(l) shall now read as: Making misleading, deceptive or fraudulent representations in or related to the practice of the licensee's profession or making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(a) or (m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Reprimand and \$250 fine</u>	<u>\$10,000 fine and suspension</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension</u>	<u>\$10,000 fine and revocation</u>

7. Paragraph (3)(u) shall now read as: Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$100 fine and continuing education</u>	<u>\$250 fine and probation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$500 fine and suspension</u>

8. Paragraph (3)(v) shall now read as: Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1). (Section 456.072(1)(v), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, suspension and IPN evaluation</u>	<u>\$500 fine, suspension and IPN evaluation, or revocation</u>

9. Paragraph (3)(aa) shall now read as: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud (Sections 456.072(1)(ii) and (ll), F.S.) \$10,000 fine and revocation.

10. Paragraph (3)(cc) shall now read as: Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare

program, unless eligibility to participate in the program from which the practitioner was terminated has been restored (Section 456.072(1)(kk), F.S.).

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$500 Reprimand</u>	<u>Revocation</u>

11. Paragraph (3)(dd) shall now read as: Violating any of the provisions of Section 790.338 (Section 456.072(1)(nn), F.S.) Letter of Concern

(4) In licensure and disciplinary matters involving impairment, the applicant or licensee may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.
2. Previous disciplinary action against the licensee in this or any other jurisdiction.
3. The length of time the licensee has practiced.
4. The actual damage, physical or otherwise, caused by the violation.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation.
7. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
8. Cost of treatment.
9. Financial hardship.
10. Cost of disciplinary proceedings.

(6) In instances when a licensee or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-10.014  
 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.100  
 RULE TITLE: Pharmacy Permits – Applications and Permitting

**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. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. Changes are being made to the various forms to address multiple comments from JAPC, including technical and substantive changes. Changes have also been made to the forms as a result of legislative changes to Section 465.0635, F.S. The changes are as follows:

1. The revision date of Form DH-MQA 1214, “Community Pharmacy Permit and Application and Information” incorporated by reference in subsection (2) will be updated to have an effective date of August 2012.

2. (2)(c) shall now read as follows:

(c) The policy and procedure manual for Community Pharmacies shall contain the procedures implemented to minimize the dispensing of controlled substances based on fraudulent representations. The policy and procedural manual shall provide the following:

3. There will be no changes to (2)(c)1. through 4., as published in the Notice of Change for the rule on March 2, 2012 in Vol. 38, No. 9 of the F.A.W.

4. The revision date of Form DH-MQA 1215, “Institutional Permit Application and Information” incorporated by reference in subsection (3) will be updated to have an effective date of August 2012.

5. The revision date of Form DH-MQA 1218, “Nuclear Pharmacy Permit Application and Information” incorporated by reference in subsection (4) will be updated to have an effective date of August 2012.

6. The revision date of Form DH-MQA 1220, “Special Pharmacy Permit Application and Information” listed in subsection (5) and subsection (6) will be updated to have an effective date of August 2012.

7. The revision date of Form DH-MQA 1217, “Non-Resident Pharmacy Permit Application and Information” incorporated by reference in subsection (7) will be updated to have an effective date of August 2012.

8. The title of the form listed in paragraph (3)(b) and (5)(c) will be changed to Form DH-MQA 1184 “Change of Consultant Pharmacist of Record,” effective December 2010.

9. The language “which is incorporated by reference herein” will be removed from paragraphs (4)(b), (5)(b), (5)(c), (6), and (6)(b).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.:	RULE TITLES:
65E-20.010	Transportation
65E-20.011	Receipt of Commitment Orders and Required Documentation

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 33, August 17, 2012 issue of the Florida Administrative Weekly.

The Summary of Statement of Estimated Regulatory Costs should be corrected to read:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Agency has determined that this rule amendment 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 nature of the rule and a preliminary analysis conducted to determine whether a SERC was required. The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S. 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.

In the proposed amendment to Rule 65E-20.011(1)(a), the reference to the year following the citation to Section 916.107(1)(a), F.S. is deleted. The subsection should read:

(a) If complete, the date of receipt shall be recorded. The statutory 15 day period set forth in Section 916.107(1)(a), F.S. (1985), will commence on this day.

In the proposed amendment to paragraph 65E-20.011(1)(a), the authority should read:

Rulemaking Authority 916.1093(2) FS. Law Implemented 916.107, 916.302 FS. History—New 9-29-86, Amended 7-1-96, Formerly 10E-20.011.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-137.001	Annual and Quarterly Reporting Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

The page numbering of the internet document on the NAIC web page and final draft of Rule 69O-137.001 do not match the numbering on the printed pages. The following corrections have been made:

(5) Adoption of revised Actuarial Guideline 38.

(a) Revised NAIC Accounting Practices and Procedures Manual Actuarial Guideline 38 which is Attachment Three appears on pages 272-285 in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) is hereby adopted and incorporated by reference and replaces the Guideline published in the Manual for annual and quarterly statements submitted to the Office on and after December 31, 2012.

(b) Sections of the draft version of the Valuation Manual adopted by the NAIC Life Insurance and Annuities (A) Committee on August 17, 2012, referenced in Revised Actuarial Guideline 38 which is Attachment One are on pages 2-262 in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) are hereby adopted and incorporated by reference.

The remainder of the rule reads as previously published.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-149.022	Forms Adopted

**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. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

Forms OIR-B2-1507 and OIR-B2-1507A have been revised. A copy of the revised forms are available by contacting Tom Zutell, Office of Insurance regulation, Email [Tom.Zutell@floop.com](mailto:Tom.Zutell@floop.com)

The remainder of the rule reads as previously published.

**Section IV  
Emergency Rules**

**NONE**

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) hereby gives notice on September 13, 2012, the District's Governing Board issued SFWMD Order No.: 2012-103-DAO-ROW to Richard Singletary and John Singletary (Application No.: 12-0716-4). The petition for waiver was received by the District on July 16, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 31, on August 3, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow temporary vehicular use of approximately 22.5 miles of the L-28 right of way to gain access to the Petitioner's camp/cabin which is located 2 miles from L-28 in Big Cypress; Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Work within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the temporary vehicular use will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, Florida 33406-4680, telephone: (561)682-6268 or by email: jurussel@sfwmd.gov.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 19, 2012 the Division issued an order. The Final Order was in response to a Petition for a Variance from La Playa East Condominium Association, Inc., filed August 17, 2012, and advertised on August 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1), Florida Administrative

Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-271).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 19, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from La Quinta Inn 0641, filed August 13, 2012, and advertised on August 24, 2012 in Vol. 38, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 15, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-264).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on September 19, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sierra Grande Condominium. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-305).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on September 18, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Arc Jacksonville Westside. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators operations which poses a significant economic/



financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-303).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on September 17, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for South Seminole Medical Plaza. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-302).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on September 18, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Anglers Cove Condominium. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.10.2.1, and 2.4.6.2(c), as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators top rail and top car clearance which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-304).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 19, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Garden Office Building, filed August 20, 2012, and advertised on August 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Section 399.061(1)(a), Florida Statutes, which requires inspections,

service maintenance contracts and correction of deficiencies because the Petitioner has requested a variance of statute, which the agency has no statutory authority to grant (VW 2012-272). A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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NOTICE IS HEREBY GIVEN that on September 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sugarcane Growers Cooperative of Florida. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-301).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on August 31, 2012, the Construction Industry Licensing Board, received a petition for Waiver or Variance filed by Manoeil Gerges. The Petitioner is seeking a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone: (850)487-1395.

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NOTICE IS HEREBY GIVEN that on August 22, 2012, the Construction Industry Licensing Board, received a petition for Waiver or Variance, filed by Masaaki Yamamoto. The Petitioner is seeking a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone: (850)487-1395.

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**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that on October 21, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Lianette Marie Campos-Sackley, M.D. on August 18, 2010, seeking a waiver from Rule 64B8-4.004, F.A.C., with regard to the requirement for the year of accredited post-graduate training to be completed at one institution. The Notice was published in Vol. 36, No. 35, of the Florida Administrative Weekly, on September 3, 2010. The Board, at its meeting held on October 2, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on February 22, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Houshang Farahvar, M.D. on December 11, 2009, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. The Notice was published in Vol. 35, No. 51, of the Florida Administrative Weekly, on December 24, 2009. The Board, at its meeting held on February 6, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Srinivasan Govindan, M.D. on August 16, 2011, seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the passing score on the FLEX examination. The Notice was published in Vol. 37, No. 34, of the Florida Administrative Weekly, on August 26, 2011. The Board, at its meeting held on October 1, 2011, voted to deny the Petition for Waiver finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on December 22, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Qamar Jalil, M.D. on September 15, 2010, seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. The Notice was published in Vol. 36, No. 39, of the Florida Administrative Weekly, on October 1, 2010. The Board, at its meeting held on December 4, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on September 2, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Majeed Kaun, M.D. on May 25, 2010, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. The Notice was published in Vol. 36, No. 24, of the Florida Administrative Weekly, on June 18, 2010. The Board, at its meeting held on August 6, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Shimareet Kumar, M.D. on July 18, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. The Notice was published in Vol. 37, No. 30, of the Florida Administrative Weekly, on July 29, 2011. The Board, at its meeting held on October 1, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on August 23, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Surrender Kurapati, M.D. on May 12, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 37, No. 25, of the Florida Administrative Weekly, on June 24, 2011. The Board, at its meeting held on August 6, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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Notice is hereby given that the Petition for Waiver or Variance filed on behalf of Jade Jay Lu, M.D., from Rule 64B8-8.004, F.A.C., was withdrawn, upon request of the Petitioner. The Notice of Petition was published in Vol. 37, No. 11, of the March 18, 2011, issue of the F.A.W.

The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN that on September 14, 2012, the Board of Medicine, received a petition for waiver or variance filed by D. Brian McDonagh, M.D., from Rule 64B8-2.001, F.A.C., with regard to the requirement for the FLEX examination to be completed in one administration of the examination. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that on December 21, 2009, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Carlos Miranda, M.D. on September 22, 2009, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 35, No. 40, of the Florida Administrative Weekly, on October 9, 2009. The Board, at its meeting held on December

5, 2009, found the Petition moot because the medical school submitted the verification required by rule prior to the Board meeting.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on June 21, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Quan Nguyen, M.D. on April 4, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 37, No. 15, of the Florida Administrative Weekly, on April 15, 2011. The Board, at its meeting held on June 3, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on December 22, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Mittalben V. Patel, M.D. on October 10, 2010, seeking a waiver from Rule 64B8-4.018, F.A.C., with regard to the requirement for residency in an ACGME approved clerkship. The Notice was published in Vol. 36, No. 46, of the Florida Administrative Weekly, on November 19, 2010. The Board, at its meeting held on December 4, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Lakkaraj Rajasekhar, M.D. on August 9, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education and transcripts directly from Petitioner's medical school. The Notice was published in Vol. 37, No. 33, of the Florida Administrative Weekly, on August 22, 2011. The Board, at its meeting held on October 1, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial

hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on April 8, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Sreerangapalle S. Reddy, M.D. on January 10, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education and transcripts directly from Petitioner's medical school. The Notice was published in Vol. 37, No. 3, of the Florida Administrative Weekly, on January 21, 2011. The Board, at its meeting held on April 1, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Simon B. Santos, M.D. on August 9, 2010, seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. The Notice was published in Vol. 36, No. 33, of the Florida Administrative Weekly, on August 20, 2010. The Board, at its meeting held on October 2, 2010 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on December 22, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Jamuna Sivakanthan, M.D. on October 8, 2010, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 36, No. 42, of the Florida Administrative Weekly, on October 22, 2010. The Board, at its meeting held on December 4, 2010, voted to grant the Petition for Waiver finding that the

Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 20, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Michelle L. Snyder, on August 3, 2010, seeking a waiver from Rule 64B8-30.003, F.A.C., with regard to the requirement for letters of recommendation for physician assistant applicants. The Notice was published in Vol. 36, No. 32, of the Florida Administrative Weekly, on August 13, 2010. The Council on Physician Assistants, at its meeting held on September 30, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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Notice is hereby given that the Petition for Waiver or Variance filed on behalf of Joseph Spector, M.D., from Rule 64B8-4.009, F.A.C., was withdrawn, upon request of the Petitioner. The Notice of Petition was published in Vol. 35, No. 7, of the February 20, 2009, issue of the F.A.W.

The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN that on September 14, 2012, the Board of Medicine, received a petition for waiver filed by Zafer Termanini, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of medical school transcripts. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

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The Board of Medicine hereby gives notice that on September 9, 2009, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Kishore J. Thampy, M.D. on June 8, 2009, seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the requirement for obtaining a passing score on the FLEX examination in one sitting of the examination. The Notice was published in Vol. 35, No. 24, of the Florida Administrative Weekly, on June 19,

2009. The Board, at its meeting held on August 14, 2009, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Ata Ulhaq, M.D. on July 7, 2010, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 36, No. 29, of the Florida Administrative Weekly, on July 23, 2010. The Board, at its meeting held on October 2, 2010, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on October 21, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Dariush Vaziri, M.D. on August 9, 2011, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 37, No. 34, of the Florida Administrative Weekly, on August 26, 2011. The Board, at its meeting held on October 1, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Medicine hereby gives notice that on April 8, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed on behalf of Laurence Wynn, M.D. on January 12, 2011, seeking a waiver from Rule 64B8-8.019, F.A.C., with regard to the requirement for providing a certified copy of the medical record in any finding of medical malpractice resulting from a civil or administrative proceeding. The Notice was published in Vol. 37, No. 4, of the Florida Administrative Weekly, on January 28, 2011. The Board, at its meeting held on April 1, 2011 voted

to deny the Petition for Waiver finding that the Petitioner failed to demonstrate that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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The Board of Psychology hereby gives notice that on May 18, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Daryl P. DiDio, Ph.D., on March 8, 2011, seeking a waiver or variance from Rule 64B19-13.003, F.A.C., with regard to a six-hour training seminar attended by the Petitioner and whether this particular seminar will fulfill the continuing education requirement. The Notice was published in Vol. 37, No. 11, of the Florida Administrative Weekly, on March 18, 2011. The Board, at its meeting held on April 22, 2011, denied the Petition for Waiver or Variance finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Geoffrey D. Freebern, NCSP., filed on September 4, 2009. The Notice of Petition for Variance and Waiver was published in Vol. 35, No. 37, of the September 18, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on October 16, 2009. The Petitioner was seeking a permanent variance or waiver of paragraph 64B19-13.003(2)(g), Florida Administrative Code, with regards to the requirement that sponsors providing continuing psychological education be approved by the Board or the American Psychological Association.

The Board's Order, filed on November 5, 2009, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that he meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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The Board of Psychology hereby gives notice that on December 2, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Jerome Gordon, Ed.D., on August 30, 2010, seeking a waiver or variance from Rule 64B19-14.003, F.A.C., with regard to the requirements for reactivation of a retired license. The Notice was published in Vol. 36, No. 36, of the Florida Administrative Weekly, on September 10, 2010. The Board, at its meeting held on October 22, 2010, denied the Petition for Waiver or Variance finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice that on February 16, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Donna K. Hippman-West, Psy.D., on October 17, 2011, seeking a waiver or variance from Rule 64B19-11.0075, F.A.C., with regard to an extension of time in which to complete the EPPP licensing examination. The Notice was published in Vol. 37, No. 45, of the Florida Administrative Weekly, on November 10, 2011. The Board, at its meeting held on January 20, 2012, denied the Petition for Waiver or Variance finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice that on August 15, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Karina Jeifez-Zagagi, Ph.D., on May 9, 2011, seeking a waiver or variance from Rule 64B19-11.001, F.A.C., with regard to the validity of the passing score on the Florida laws and rules examination after 18 months. The Notice was published in Vol. 37, No. 21, of the Florida Administrative Weekly, on May 27, 2011. The Board, at its meeting held on July 22, 2011, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice that on July 7, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Rosemarie Johnson, on April 19, 2010, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with the rule. The Notice was published in Vol. 36, No. 17, of the Florida Administrative Weekly, on April 30, 2010. The Board, at its meeting held on June 18, 2010, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice that on March 14, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Yamaris B. Lamboy, Psy.D., on November 8, 2010, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the supervised experience required of applicants. The Notice was published in Vol. 36, No. 47, of the Florida Administrative Weekly, on November 24, 2010. The Board, at its meeting held on January 21, 2011, denied the Petition for Waiver or Variance finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

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The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Antonio Martinez-Monfort, Ph.D., filed on November 16, 2009. The Notice of Petition for Variance and Waiver was published in Vol. 35, No. 50, of the December 18, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on January 22, 2010. The Petitioner was seeking a permanent variance or waiver of paragraph 64B19-11.01(1)(c), Florida Administrative Code, with regards to the requirement that all applicants for licensure have a passing grade of 70% correct answers in the EPPP examination taken before October, 2000.

The Board's Order, filed on February 22, 2010, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative

Code. Petitioner has demonstrated that he meets the purpose of the underlying statute having successfully completed the EPPP, having passed the Florida oral examination of the Florida Board of Examiners in Psychology when he was licensed in Florida in 1974, and having served with distinction as Vice-President of the Florida Board of Examiners of Psychology along with his other professional psychology activities. Further, Petitioner has demonstrated that, in light of his professional activities in Florida set forth above and for the reasons stated in his Petition, the application of the rule would cause a substantial hardship and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that on March 14, 2011, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Charnette Munroe, Ph.D., on November 15, 2010, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirement that the supervisor is either a licensed Florida psychologist in good standing, or a doctoral-level psychologist in good standing in another state providing for supervision for licensure in that state. The Notice was published in Vol. 36, No. 47, of the Florida Administrative Weekly, on November 24, 2010. The Board, at its meeting held on January 21, 2011, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

The Board of Psychology hereby gives notice that on December 2, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Rob J. Rotunda, Ph.D., on September 13, 2010, seeking a waiver or variance from Rule 64B19-12.0085, F.A.C., with regard to the amount of the delinquency fee for late renewal of an active license. The Notice was published in Volume 36, No. 38, of the Florida Administrative Weekly, on September 24, 2010. The Board, at its meeting held on October 22, 2010, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

The Board of Psychology hereby gives notice that on December 2, 2010, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Laura Tendler, Psy.D., on October 20, 2010, seeking a waiver or variance from Rule 64B19-11.0075, F.A.C., with regard to closing the application file after 24 months if the applicant is unable to document successful completion of the Laws & Rules examination. The Notice was published in Vol. 36, No. 44, of the Florida Administrative Weekly, on November 5, 2010. The Board, at its meeting held on November 19, 2010, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Department of State** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2012, 9:00 a.m.

PLACE: R.A. Gray Building, Heritage Hall Auditorium, 500 South Bronough Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Business Identity Task Force will hold a meeting to discuss its mission and its objective in addressing issues of business identity theft in Florida. The agenda includes presentations by state and federal agencies discussing recent developments in preventing and investigating cases of business identity theft. There will also be presentations by private business discussing measures they have taken to address business identity theft.

A copy of the agenda may be obtained by contacting: Jacob Horner, (850)245-6904, [jacob.horner@dos.myflorida.com](mailto:jacob.horner@dos.myflorida.com).

The **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2012, 6:00 p.m.

PLACE: Mission San Luis, 2100 W Tennessee, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss finances, the Endowment fund, signage and other Friends business.

A copy of the agenda may be obtained by contacting: Cookie.Stevens@dos.myflorida.com or (850)245-6388.

The **Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2012, 1:00 p.m.

PLACE: Polk County Health Department Lake Wales Clinic, 305 W. Central Avenue, Lake Wales, FL 33853-4017, (863)678-4144, ext. 20031

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for the new Polk County Health Department facility in Haines City will meet to evaluate the proposals of their selected artists.

A copy of the agenda may be obtained by contacting: Lee Modica, 500 S. Bronough Street, Tallahassee FL 32399-0250, (850)294-5445.

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 2 days before the workshop/meeting by contacting: Maureen McKloski, (850)245-6475. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2012, 11:00 a.m. – 1:00 p.m.

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee,

Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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The **Florida Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.



DATE AND TIME: Wednesday, October 10, 2012, 11:00 a.m. – 12:00 Noon

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance & Budget Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2012, 11:00 a.m. – 12:00 Noon

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

**DEPARTMENT OF EDUCATION**

The **State Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2012, 6:00 p.m.

PLACE: Hilton Orlando, 6001 Destination Parkway, Lake Down B Meeting Room, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of a request and closed session Re: Ruiz, et al. v. Robinson, et al, United States District Court, Southern District of Florida, Case No.: 11-cv-23776-KMM, pursuant to Section 286.011(8), Florida Statutes. Participants: Gary Chartrand, Roberto Martinez, Sally Bradshaw, Akshay Desai, Barbara Feingold, John Padgett, Kathleen Shanahan, Pam Stewart, Lois Tepper, Judy Bone, Mari Presley, Blaine Winship.

A copy of the agenda may be obtained by contacting: Lois Tepper, (850)245-0442.

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: Lynn Abbott, (850)245-9661 or lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lois Tepper, (850)245-0442 or lois.tepper@fldoe.org.

The **State Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Special Events Center, Building 8, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of approval of minutes of the State Board meetings held July 17, August 2, and September 7, 2012, and updates on various reports and status of education initiatives by the Commissioner. A presentation will be given on Partnerships with Philanthropic Organizations. Items for consideration include action relating to the following: Amendment to Rule 6A-1.001, F.A.C., District Financial Records; Amendment to Rule 6A-1.004, F.A.C., School District Budget Requirements; Amendment to Rule 6A-1.0071, F.A.C., Fiscal Reporting Dates; Repeal of Rule 6A-1.0941, F.A.C., Minimum Student Performance Standards; Amendment to Rule 6A-1.09942, F.A.C., State Uniform Transfer of Students in the Middle Grades; Amendment to Rule 6A-1.099822, F.A.C., School Improvement Rating for Alternative Schools; New Rule 6A-1.099825, F.A.C., Voluntary Prekindergarten (VPK) Curriculum Approval Process; Repeal of Rule 6A-6.022, F.A.C., Required Instruction in Florida History and Government; New Rule 6A-6.0253, F.A.C., Diabetes Management; New Rule

6A-6.05282, F.A.C., College Reach-Out Program; Repeal of Rule 6A-10.0311, F.A.C., Assessment of Student Attainment of College-Level Communication and Computation Skills; Repeal of Rules for the Florida School for the Deaf and the Blind; Rule 6D-1.002, F.A.C., Appointment and Jurisdiction; Rule 6D-1.011, F.A.C., Travel and Per Diem for Board of Trustees; Rule 6D-1.012, F.A.C., Forms and Standard Instructions; Rule 6D-1.013, F.A.C., Naming Facilities; Rule 6D-1.014, F.A.C., School Advisory Council; Rule 6D-2.004, F.A.C., Specific Objectives in the Department for the Deaf; Rule 6D-2.005, F.A.C., Specific Objectives in the Department for the Blind; Rule 6D-3.0021, F.A.C., Individual Educational Plan; Rule 6D-3.0022, F.A.C., Independent Educational Evaluation; Rule 6D-3.0023, F.A.C., Protection in Evaluation Procedures; Rule 6D-3.003, F.A.C., Due Process Procedures; Rule 6D-3.004, F.A.C., Impartial Review and Appeal; Rule 6D-3.005, F.A.C., Assignment of Surrogate Parents; Rule 6D-3.006, F.A.C., Access to and Confidentiality of Student Records; Rule 6D-3.007, F.A.C., Provision of Non-Academic and Extracurricular Services and Activities; Rule 6D-3.008, F.A.C., Discrimination Complaint Procedures for Student Access; Rule 6D-3.010, F.A.C., Confidentiality of Information; Rule 6D-6.021, F.A.C., Implementation of Certification Standards; Rule 6D-6.022, F.A.C., On-Campus Rental Housing Policy for Staff and Administration; Rule 6D-6.024, F.A.C., Assessment of Personnel Performance; Rule 6D-6.025, F.A.C., Employees Infected with the HIV Virus; Rule 6D-7.002, F.A.C., Academic; Rule 6D-7.006, F.A.C., Student Progression Plan and Requirements for Graduation; Rule 6D-7.0072, F.A.C., Grounds for Disciplinary Action; Rule 6D-7.010, F.A.C., Educational Requirements for Application, Suspension, and Reinstatement of a Driver's License; Rule 6D-8.002, F.A.C., Food Service Staff; Rule 6D-8.003, F.A.C., Food Service Responsibilities; Rule 6D-9.002, F.A.C., Health Care Center Staff; Rule 6D-9.003, F.A.C., Health Care Center Inpatient Services and Outpatient Hospitalization; Rule 6D-9.004, F.A.C., Health Examinations; Rule 6D-9.005, F.A.C., Health Screenings and Immunizations; Rule 6D-9.006, F.A.C., Students Infected with the HIV Virus; Rule 6D-9.007, F.A.C., Health Care Policies; Rule 6D-10.002, F.A.C., Student Residential Care Policies; Rule 6D-11.002, F.A.C., Quality Assurance Plan; Rule 6D-12.002, F.A.C., Campus Police Department; Rule 6D-13.002, F.A.C., Mental Health Standards; Rule 6D-14.002, F.A.C., Transportation Policies and Procedures; Rule 6D-15.002, F.A.C., Maintenance and Construction Department; Rule 6D-15.003, F.A.C., Housekeeping Department; Rule 6D-16.002, F.A.C., Human Resources Management and Development; and Rule 6D-17.002, F.A.C., Purchasing Department. Other items for consideration include: Approval of Delegation of Authority to Commissioner Pam Stewart; Approval of 2013-2014 Legislative Operating and Fixed Capital Outlay Budget Request; Approval of the 2012 Strategic Plan; Approval of Digital Implementation Plan; Approval of Revised 2012

Voluntary Prekindergarten Provider Good Cause Exemption Staff Recommendations to the State Board of Education; and Approval of Request by WXEL Public Broadcasting Corporation in Boynton Beach to Sublease a Portion of the Building to a For-Profit Entity. Updates will be provided by President Joe Pickens on behalf of the Council of Presidents and Chancellor Hanna, Florida College System; the transition to Common Core Assessments in 2014-15 (PARCC). Updates and approval of action on the pending litigation for the following three cases: Ruiz v. Robinson, et al.; Peek v. State Board of Education, et al.; and Citizens for Strong Schools, Inc. v. Haridopolos, et al.

A copy of the agenda may be obtained by contacting: Lynn Abbott, (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or by visiting the Department's website: <http://www.fldoe.org>.

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: Lynn Abbott, (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Abbott, (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org).

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The **State Advisory Council on Early Education and Care** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 2, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Early Learning Coalition of the Big Bend Region, 1940 N. Monroe St., Suite 70, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Advisory Council business.

A copy of the agenda may be obtained by contacting: [amy.mathis@oel.myflorida.com](mailto:amy.mathis@oel.myflorida.com).

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: [amy.mathis@oel.myflorida.com](mailto:amy.mathis@oel.myflorida.com). 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: [amy.mathis@oel.myflorida.com](mailto:amy.mathis@oel.myflorida.com).

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## DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Florida Criminal Justice Educators Association Meeting, October 29, 2012, 9:00 a.m.; Leadership Skills for Professional Development, October 30, 2012, 8:30 a.m.; Leadership Skills for Professional Development, October 31, 2012, 8:30 a.m.; State Ombudsman Meeting, October 31, 2012, 1:00 p.m.; Commission Workshop: eLearning/Distance Training, October 31, 2012, 2:30 p.m.

PLACE: Hyatt Regency Sarasota, 1000 Boulevard of the Arts, Sarasota, Florida 34236; Reservations telephone number: 1(888)421-1442; Group Name: Florida Department of Law Enforcement; Reservation Deadline: October 8, 2012

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to training and leadership skills.

A copy of the agenda may be obtained by contacting: Donna Hunt, (850)410-8615 or e-mail: [donna.hunt@fdle.state.fl.us](mailto:donna.hunt@fdle.state.fl.us).

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: Donna Hunt, (850)410-8615 or e-mail: [donna.hunt@fdle.state.fl.us](mailto:donna.hunt@fdle.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).

For more information, you may contact: Donna Hunt, (850)410-8615 or e-mail: [donna.hunt@fdle.state.fl.us](mailto:donna.hunt@fdle.state.fl.us).

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## DEPARTMENT OF REVENUE

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 16, 2012; Wednesday, October 31, 2012, 9:00 a.m. – 4:00 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, Tallahassee, Florida. The public can also participate in the meetings through a simultaneous electronic broadcast of these events by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in the electronic meetings by accessing the broadcast from their home or office. Specific information about how to participate in the electronic meetings from your home or office will be included in the Agendas for the meetings posted on the Department of Revenue's website at: [http://dor.myflorida.com/dor/cst\\_workgroup/](http://dor.myflorida.com/dor/cst_workgroup/).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 12 of Chapter 2012-70, Laws of Florida, creates a Communications Services Tax Working Group. The purpose of the working group is to study and report on tax issues related to the sale of communications services. A report of the working

group is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013. The working group held its first meeting on June 11, 2012, and held additional meetings on July 25, 2012, and August 21, 2012. The working group is continuing to gather information and will be considering options to provide to policymakers for use in making important tax law decisions. The working group is tasked with the responsibility to: a) Review national and state tax policies relating to the communications industry; b) Review the historical amount of tax revenue that has been generated by the communications services taxes imposed or administered under Chapter 202, Florida Statutes, for the purposes of determining the effect that laws passed in the past 5 years have had on declining revenues; c) Review the extent to which this revenue has been relied on to secure bonded indebtedness; d) Review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators; e) Identify options for streamlining the administrative system; and f) Identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments.

A copy of the agenda may be obtained by contacting: Andrea Moreland, Director of Legislative and Cabinet Services, (850)617-8324 or [morelana@dor.state.fl.us](mailto:morelana@dor.state.fl.us). The agenda will be published on the Department of Revenue's website at: [http://dor.myflorida.com/dor/cst\\_workgroup/](http://dor.myflorida.com/dor/cst_workgroup/) and also <http://dor.myflorida.com/dor/opengovt/meetings.html>.

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: Andrea Moreland, (850)617-8324. 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).

For more information, you may contact: Andrea Moreland, Director of Legislative and Cabinet Services, (850)617-8324, [morelana@dor.state.fl.us](mailto:morelana@dor.state.fl.us).

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## DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 2 announces a workshop to which all persons are invited.

DATE AND TIME: October 11, 2012, 5:00 p.m. – 6:30 p.m.

PLACE: Bishop John J. Snyder High School Cafetorium, 5001 Samaritan Way, Jacksonville, FL 32210

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to express their views concerning noise barriers as part of Financial Project ID Number 430565-1, otherwise

known as the SR 23 (Branan Field – Chaffee Road) from SR 21 (Blanding Blvd.) to Interstate 10 project in Duval County, Florida. The planned segment of SR 23 will extend from SR 21 in Clay County to Interstate 10 in Duval County and will be operated as a toll facility (Toll 23). This segment is part of the First Coast Outer Beltway project which is to extend from Interstate 10 in Duval County to Interstate 95 in St. Johns County.

For more information, please visit: <http://www.bfcexpress.com/> or <http://www.fdotfirstcoastouterbeltway.com/>. The Florida Department of Transportation (FDOT) is seeking input to verify support for, or opposition to, the construction of noise barriers within FDOT right-of-way. Primary consideration will be given to the viewpoints of adjacent, affected property owners. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, extension 7873. 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).

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The Florida **Department of Transportation (FDOT)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2012, Open House: 3:00 p.m. – 7:00 p.m.; Presentation(s): Public Information OPEN HOUSE

PLACE: John H. Jackson Community Center, 1002 Carter Street, Orlando, Florida 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 427228-1 and 429054-1

Project Description: Pavement rehabilitation project on Orange Blossom Trail (SR 500/US 441) from 34th Street to SR 50; pedestrian and video detection upgrades; includes pedestrian and roadside improvements between Gore and Church Streets.

A flyer will be distributed at the meeting.

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: Deborah Mols, AECOM Technical Services, Inc., 10210 Highland Manor Drive, Suite 350, Tampa, Florida 33610, (813)627-8214 or Deborah.Mols@aecom.com.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

Persons who require translation services (free of charge) should contact: Deborah.mols@aecom.com at the phone number above. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Gene Varano, The FDOT, Project Manager, (386)943-5145 or e-mail: Gene.Varano@dot.state.fl.us and/or Bill.Biggs@aecom.com.

Additional information on the project and a presentation video are also available at [www.cflroads.com](http://www.cflroads.com).

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#### STATE BOARD OF ADMINISTRATION

The **State Board of Administration** of Florida (**SBA**) announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2012, 9:00 a.m. (ET) – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the SBA to consider the adoption of an emergency rule providing for optional date changes for certain new participants. In addition, other general business may be addressed.

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: Tracy Allen, Florida Hurricane Catastrophe Fund, (850)413-1341 or [tracy.allen@sbafla.com](mailto:tracy.allen@sbafla.com). 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).

For more information, you may contact: Tracy Allen at the number or email listed above.

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The **Florida Hurricane Catastrophe Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2012, 1:30 p.m. (ET) – conclusion of meeting

PLACE: Persons who wish to participate by phone may call: 1(888)670-3525, Conference Code: 7135858151; Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the October claims-paying capacity estimates and other general business of the Council.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, email: [donna.sirmons@sbafla.com](mailto:donna.sirmons@sbafla.com), phone: (850)413-1349.

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: Donna Sirmons at the email or number listed above. 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).

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATES AND TIME: Monday-Wednesday, November 5-7, 2012, 9:30 a.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 120001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 120002-EG – Energy conservation cost recovery clause.

Docket No. 120003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 120004-GU – Natural gas conservation cost recovery.

Docket No. 120007-EI – Environmental cost recovery clause.

PURPOSE: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2013 through December 2013.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2012 through December 2012.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2011 through December 2011, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2013 through December 2013.

5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2011 through December 2011.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2013 through December 2013, including nuclear costs.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2012 through December 2012, including nuclear costs.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2011 through December 2011, which are to be based on actual data for that period, including nuclear costs.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2013 through December 2013.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2012 through December 2012.
11. Determination of the Final Conservation True-up Amounts for the period January 2011 through December 2011 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2013 through December 2013.
13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2012 through December 2012.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2011 through December 2011.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2013 through December 2013.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2012 through December 2012.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2011 through December 2011, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapters 28-106 and 25-22, F.A.C.

**EMERGENCY CANCELLATION OF CUSTOMER MEETING:** If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's

website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel, (850)413-6199.

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, 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 Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2012, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To take final action in Docket No.: 120233-EI – Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 36.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an amount not to exceed in the aggregate \$1.5 billion, during the twelve month period, ending December 31, 2013. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety, with the maximum amount of short-term debt outstanding at any one time being \$1.0 billion, during the twelve month period, ending December 31, 2013. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

**Emergency Cancellation of Meeting:** If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Martha Barrera, (850)413-6199.

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, 2540 Shumard Oak Boulevard, Tallahassee, FL 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 Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 16, 2012, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda, recommendations, vote sheet, transcript, and minutes may be obtained from the Commission's Web site: [www.floridapsc.com](http://www.floridapsc.com) or by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770. Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at the address or telephone number above, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's Web site.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2012, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas may be obtained from the Commission's Web site: [www.floridapsc.com](http://www.floridapsc.com) or by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at the address or telephone number above, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 120001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 120002-EG – Energy conservation cost recovery clause

Docket No. 120003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 120004-GU – Natural gas conservation cost recovery

Docket No. 120007-EI – Environmental cost recovery clause

DATE AND TIME: October 17, 2012, 9:30 a.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the prehearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the prehearing at 2540 Shumard

Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Faith-Based and Community-Based Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2012, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Hotel and Conference Center, The Florida Mall, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advisory Council members will meet to conduct regular business of the Florida Faith-Based and Community-Based Advisory Council and hear updates from the Council's workgroups.

A copy of the agenda may be obtained by contacting: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or [Frenchie.Yon@eog.myflorida.com](mailto:Frenchie.Yon@eog.myflorida.com).

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: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or email: [Frenchie.Yon@eog.myflorida.com](mailto:Frenchie.Yon@eog.myflorida.com). 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or email: [Frenchie.Yon@eog.myflorida.com](mailto:Frenchie.Yon@eog.myflorida.com).

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#### REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: BARC-TAC, Wednesday, October 3, 2012, 12:30 p.m.; BARC, Wednesday, October 3, 2012, 2:00 p.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Road, Suite A, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Bay Area Resource Council and the Bay Area Resource Council Technical Advisory Committee.

A copy of the agenda may be obtained by contacting: Michael Reistad, email: [michael.reistad@wfrpc.org](mailto:michael.reistad@wfrpc.org), 1(800)226-8914, ext. 222.

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 2 days before the workshop/meeting by contacting: Michael Reistad, [michael.reistad@wfrpc.org](mailto:michael.reistad@wfrpc.org), 1(800)226-8914, ext. 222. 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).

For more information, you may contact: Michael Reistad, [michael.reistad@wfrpc.org](mailto:michael.reistad@wfrpc.org), 1(800)226-8914, ext. 222.

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The District 1, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2012, 10:00 a.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Rd., Ste. A, Pensacola FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Local Emergency Planning Committee.

Preceding the meeting, the Nominations and Planning Subcommittees will hold meetings at 9:00 a.m. Additional subcommittee meetings will be held via teleconference on October 8, 2012 and October 15, 2012.

A copy of the agenda may be obtained by contacting: West Florida Regional Planning Council, 1(800)226-8914 or by visiting our website: [www.wfrpc.org/lepc](http://www.wfrpc.org/lepc).

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: Kathy Ahlen, West Florida Regional Planning Council, 1(800)226-8914, ext. 210 or [kathy.ahlen@wfrpc.org](mailto:kathy.ahlen@wfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kathy Ahlen, 1(800)226-8914, ext. 210 or [kathy.ahlen@wfrpc.org](mailto:kathy.ahlen@wfrpc.org).

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The **Tampa Bay Regional Planning Council**, Executive Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2012, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Budget Committee.

A copy of the agenda may be obtained by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.org).

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 4 days before the workshop/meeting by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2012, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: [www.tbrpc.org](http://www.tbrpc.org).

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 4 days before the workshop/meeting by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [wren@tbrpc.org](mailto:wren@tbrpc.org).

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2012, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: [www.tbrpc.org](http://www.tbrpc.org).

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 4 days before the workshop/meeting by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [suzanne@tbrpc.org](mailto:suzanne@tbrpc.org).

The **Charlotte Harbor National Estuary Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday October 11, 2012, 10:00 a.m.

PLACE: Bradenton Area Convention Center, One Haben Blvd., Palmetto, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The joint meeting of the Charlotte Harbor National Estuary Program's Management Committee, the Sarasota Bay Estuary Program's Management Board and the Tampa Bay Estuary

Program's Management Board will consider projects for inclusion in the Southwest Florida Regional Ecosystem Restoration Plan.

A copy of the agenda may be obtained by contacting: Ms. Liz Donley, (866)835-5785, email: [ldonley@swfrpc.org](mailto:ldonley@swfrpc.org) or website: [www.chnep.org](http://www.chnep.org).

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: Charlotte Harbor National Estuary Program, (239)338-2550. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Visit the CHNEP's website: [www.chnep.org](http://www.chnep.org).

#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2012, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meetings to consider District business and conduct public hearings on regulatory and real estate matters. A workshop will follow the board meeting.

A copy of the agenda may be obtained by contacting: Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida Only) or on the District's website: [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com).

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 2 days before the workshop/meeting by contacting: Lisa Cheshire, (386)362-1001. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2012, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Southwest Florida Water Management District announces a change in a public meeting date to which all persons are invited. The Well Drillers Advisory Committee (WDAC) Meeting originally scheduled for Wednesday, October 10, 2012 has been changed to Thursday, October 11, 2012. Some members of the District's Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), 1(800)836-0797 (FL Only), (813)985-7481, ext. 4476.

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 2 days before the workshop/meeting by contacting: SWFWMD, Human Resources, 1(800)423-1476 (FL Only), or (352)796-7211, ext. 4702. 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).

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 8, 2012, 2:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Citrus County Task Force of the Citrus/Hernando Waterways Restoration Council.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4378 or online: [www.watermatters.org/waterways](http://www.watermatters.org/waterways).

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: (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4702; TDD (Florida Only) 1(800)231-6103 or email: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.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).

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The **Southwest Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2012, 5:00 p.m. – 6:30 p.m.

PLACE: West Hernando Branch County Library, 6335 Blackbird Ave., Weeki Wachee, FL 34613

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the proposed amendments to Rule 40D-8.624, F.A.C., to establish minimum and guidance levels for Tooke Lake and Whitehurst Pond located in Hernando County, pursuant to Section 373.042, Florida Statutes.

A copy of the agenda may be obtained by contacting: David Carr, Staff Environmental Scientist, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only) extension 4246.

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: (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4702, TDD (Florida Only) 1(800)231-6103 or e-mail: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 or 1(800)955-8770 (Voice). 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).

For more information, you may contact: David Carr, Staff Environmental Scientist, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only) extension 4246.

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The **South Florida Water Management District** announces a workshop to which all persons are invited.

Joint Workshop Tour of the Loxahatchee River with the Loxahatchee River District Governing Board

DATE AND TIME: October 10, 2012, 8:00 a.m.

PLACE: Jonathan Dickinson State Park, 16450 S. E. Federal Highway, Hobe Sound, FL 33455, meeting at the River Picnic Area/Boat Dock

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFWMD, Governing Board and the Loxahatchee River District Governing Board will tour the restoration of the Loxahatchee River and the SFWMD, Governing Board may discuss and consider District business, including regulatory and non-regulatory matters. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: <https://www.swfwmd.gov>.

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: Jacki McGorty, (561)682-2087 or email: [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov). 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Members of the public interested in attending the workshop/tour should contact: Reagan Walker, (561)682-6262 or Jacki McGorty, (561)682-2087 for additional information.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Regular Business Meeting

DATE AND TIME: October 11, 2012, 9:00 a.m.

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of the meeting may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFWMD Governing Board to discuss and consider District business, including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: <https://www.sfwmd.gov>.

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: Jacki McGorty, (561)682-2087 or email: [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov). 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacki McGorty, (561)682-2087 or email: [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov).

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## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water**, A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATES AND TIME: 2013 Board Meeting Schedule to meet at 9:00 a.m. unless otherwise set by the Board of Directors

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adopted meeting schedule for the Tampa Bay Water Board of Directors is as follows: February 18, 2013; April 15, 2013, 8:30 a.m., Budget Workshop; June 17, 2013; August 19, 2013; October 21, 2013; December 16, 2013.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Records Department, (727)796-2355.

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## DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2012, 3:00 p.m. – 5:00 p.m. (EDT)

PLACE: Reserve your Webinar seat now at: <https://www2.gotomeeting.com/register/352776906>

Audio information: This webinar will be presented using Voice Over Internet Protocol (VOIP). To utilize VOIP, please have speakers and a microphone connected to your computer. If speakers and a microphone are not available to you, or your computer doesn't have a sound card, please login to the webinar and follow the prompts to call the conference line (long distance charges apply).

To avoid long distance charges, please see the audio options below. If you have any questions prior to the webinar regarding the audio options, please contact: Shandra McGlohon, Florida Department of Elder Affairs, email: [mcglohonsa@elderaffairs.org](mailto:mcglohonsa@elderaffairs.org), (850)414-2317.

Audio options (USB equipment is ideal):

- (1) USB or analog headset.
- (2) Headphones and microphone.
- (3) Speakers and microphone.
- (4) Speakers only – Questions and comments can be submitted via the Question Pane.

After registering you will receive a confirmation email containing information about joining the Webinar.

System Requirements

PC-based attendees

Required: Windows® 7, Vista, XP, 2003 Server or 2000

Macintosh®-based attendees

Required: Mac OS® X 10.4.11 (Tiger®) or newer

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is the first meeting of the Purple Ribbon Task Force that was established within the Department of Elderly Affairs. The first meeting will be organizational in nature to determine how the task force will operate. The purpose of the task force is to:

- Assess the current and future impact of Alzheimer's disease and related forms of dementia on the state;
- Examine the existing industries, services, and resources addressing the needs of persons having Alzheimer's disease or a related form of dementia and their family caregivers;
- Examine the needs of persons of all cultural backgrounds having Alzheimer's disease or a related form of dementia and how their lives are affected by the disease from younger-onset, through mid-stage, to late-stage; and
- Develop a strategy to mobilize a state response to this public health crisis.

A copy of the agenda may be obtained by contacting: Joshua Spagnola, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, phone: (850)414-2155, email: spagnolaj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Joshua Spagnola, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2155, email: spagnolaj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joshua Spagnola, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2155, email: spagnolaj@elderaffairs.org.

**The Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 25, 2012, 9:00 a.m. – 11:00 a.m. (EST)

PLACE: Conference Call: 1(888)670-3525, Conference Code: 780-930-7873

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Long-Term Care Ombudsman Program, Advocacy Committee Business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of State Purchasing** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2012, 2:00 p.m.

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with the timeframe set forth in Section 120.525, Florida Statutes, a Pre-Response Vendor Conference is hereby noticed within the timeline for the ITN (Number: 04-973-120-V) for Purchasing Card Services. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Weekly (FAW). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Matthew A. Christovich, (850)488-8367, [Matthew.Christovich@dms.myflorida.com](mailto:Matthew.Christovich@dms.myflorida.com).

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: Matthew A. Christovich, (850)488-8367, [Matthew.Christovich@dms.myflorida.com](mailto:Matthew.Christovich@dms.myflorida.com). 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).

For more information, you may contact: Matthew A. Christovich, (850)488-8367, email: [Matthew.Christovich@dms.myflorida.com](mailto:Matthew.Christovich@dms.myflorida.com).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2012, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)670.3525, Conference Code: 2938723619

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 10, 2012, 12:00 Noon; Thursday, October 11, 2012, 8:00 a.m.; Friday, October 12, 2012, 8:00 a.m. or soon thereafter

PLACE: Embassy Suites Orlando – North, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL

32399-1039, (850)487-1395. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Florida Building Commission**, “The Commission”, announces a public meeting to which all persons are invited.

Plenary Session of the Florida Building Commission and the Building Code System Uniform Implementation Evaluation Workgroup

DATE AND TIME: October 9, 2012, 8:30 a.m. – until completion

PLACE: Hilton at Daytona Beach Ocean Walk Resort, 100 North Atlantic Avenue, Daytona Beach, FL 32118, (386)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tuesday, October 9, 2012

8:30 a.m. Plenary session meeting of the Florida Building Commission

Review and Approve Agenda

Review and Approve the August 6-7, 2012 Meeting Minutes and Facilitator’s Report;

Chair’s Discussion Issues and Recommendations

Appointments

Review and approval of the updated Commission Workplan

Consider Accessibility Waiver Applications:

Centennial Middle School, 38505 Centennial Road, Dade City, FL

Chasco Middle School, 7702 Ridge Road, Port Richey, FL

Dr. John Long Middle School, 15144 2025 Mansfield Boulevard, Wesley Chapel, FL

Paul R. Smith Middle School, 1410 Sweetbriar Drive, Holiday, FL

1676 James Avenue Hostel, 1676 James Avenue, Miami Beach, FL

Biomedical International Corp., 4896 S. W. 74th Court, Miami, FL

London House Apartments, 1975-1965 Washington Avenue, Miami Beach, FL

Joseph Serpico Really, Inc., Covenant Hospice, 1021 Capital Circle N. E., Tallahassee, FL

Galopin Restaurant, 358 North Park Avenue, Winter Park, FL

Hollywood Public Safety Complex, 707 South Ocean Drive, Hollywood Beach, FL

Consider Applications for Product and Entity Approval and Consider Revocations  
 Consider Applications for Accreditor and Course Approval  
 Consider Binding Interpretations:  
 Consider Petitions for Declaratory Statement:  
 DS 2012 – 068 by Alfonso Fernandez-Fraga of Initial Engineers  
 Consider other Legal and Legislative Issues  
 Approval of Statements of Estimated Regulatory Cost:  
 Rule 61G20-1.001, F.A.C., State Building Code Adopted.  
 Rule 61G20-1.002, F.A.C., Alternative Design Method for Screen Enclosures.  
 Rule 61G20-2.002, F.A.C., Statewide Amendments to the Florida Building Code.  
 Rule 61G20-3.015, F.A.C., Equivalence of Standards.  
 Rule 61G-20-4.001, F.A.C., Accessibility Standard-Procedures;  
 Rule 61G-20-4.002, F.A.C., 2012 Florida Accessibility Code for Building Construction.  
 Rule 61G20-6.002, F.A.C., Commission Approval of Advanced Building Code Training  
 Consider Committee Reports and Recommendations:  
 Education POC  
 Plumbing  
 Product Approval POC  
 General Public Comment  
 Commission Member Comments and Issues  
 Adjourn Plenary Session  
 Building Code System Uniform Implementation Evaluation Workgroup  
 TIME: 11:00 a.m. or upon adjournment of Commission Plenary Session  
 PLACE: Hilton at Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Daytona Beach, FL 32118  
 Agenda Review and Approval  
 Review of Workgroup Meeting Guidelines,  
 Consensus-Building and Decision-Making Process, and Sunshine Requirements,  
 Review of Building Code System Uniform Implementation Evaluation Workgroup Scope,  
 Identification of Issues Regarding Uniform Implementation of the Florida Building Code System,  
 • Review of referrals from Building Code System Assessment;  
 • Identification of Issues by Workgroup,  
 Identification, Discussion and Evaluation in Turn of Options,  
 General Public Comment,  
 Discussion of Workgroup Delivery and Meeting Schedule,  
 Next Steps: Agenda Items, Needed Information, Assignments, Date and Location,  
 Adjourn Workgroup Meeting.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, 1940 North Monroe Street, Tallahassee, Florida 32399, call: (850)487-1824, Fax: (850)414-8436 or see the Commission's website: [www.floridabuilding.org](http://www.floridabuilding.org).

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1824, Fax: (850)414-8436 or see the Commission's website: [www.floridabuilding.org](http://www.floridabuilding.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Jim Richmond, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, Fax: (850)414-8436.

**The Board of Accountancy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 10, 2012, 9:00 a.m.

PLACE: Conference Call: 1(888)670-3525, Conference Code: 6144029271

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee on Continuing Professional Education will meet to discuss items relating to CPE credits.

A copy of the agenda may be obtained by contacting: Karan Lee, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607.

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 2 days before the workshop/meeting by contacting: Karan Lee, Board of Accountancy, 240 N.W. 76th Drive, Ste. A, Gainesville, Florida 32607. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Karan Lee, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607.

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#### DEPARTMENT OF HEALTH

The Florida **Department of Health**, Infant, Maternal, and Reproductive Health Unit announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 2, 2012, 3:00 p.m.

PLACE: <https://rcg.webex.com/rcg/j.php?ED=185935102&UID=498365452&PW=NYzM3NmEwNDlh&RT=MmMxMg%3D%3D>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Healthy Start Redesign Project Steering Committee Meeting.

A copy of the agenda may be obtained by contacting: Javier\_Vazquez@doh.state.fl.us.

For more information, you may contact: Javier\_Vazquez@doh.state.fl.us or visit the Florida Healthy Start website: <http://www.doh.state.fl.us/family/mch/hs/hs.html>.

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The **Board of Dentistry, Teaching Permit Committee** to be followed by the Rules Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 15, 2012, 6:00 p.m.

PLACE: Conference Call: 1(888)670-3525 when prompted, enter Pass Code: 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current and proposed rules.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800) 955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

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The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2012, 7:30 a.m.

PLACE: DoubleTree by Hilton, Tampa Airport Westshore, 4500 West Cypress St., Tampa, FL 33607, (813)998-2211

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

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The **Board of Medicine**, Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 19, 2012, 2:00 p.m.

PLACE: Conference Call: 1(888)670-3525, Participation Code: 794 062 0467

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller, (850)245-4640, ext. 8180 or email: Karen\_Miller2@doh.state.fl.us.

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 10 days before the workshop/meeting by contacting: Karen Miller, (850)245-4640, ext. 8180 or email: Karen\_Miller2@doh.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Nursing** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 12, 2012, 10:00 a.m. (EST)

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)670-3525, Code: 4764781998

GENERAL SUBJECT MATTER TO BE CONSIDERED: Centennial Committee Planning Discussion.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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: The Board, (850)245-4125. 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 Florida **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 10, 2012, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)670-3525, Code: 6126445695

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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: The Board, (850)245-4125. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Department of Health, Bureau of Radiation Control** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Marriott Hotel, Tampa International Airport, 4200 George J. Bean Parkway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Advisory Council on Radiation Protection to discuss and make recommendations on, or issues relating to, the following: radiation protection; radiation dose; national organizations and professional societies, including their standards, recommendations, registrants and certificate holders; radiation requirements of federal agencies; radiation machines; radioactive materials including medical radionuclides; medical physicists; radiologic technologists, radiologist assistants, specialty technologists, and other radiological personnel including their titles, duties, scopes of practice and supervision; educational programs and training courses; authorized operator/user/physicist requirements;

emergency response and preparedness; radiation incidents/accidents; environmental monitoring; food irradiation; radiation therapy; electronic brachytherapy; fluoroscopy; computed tomography (CT); fees; forms; license, certification, registration, and examination; Chapters 64E-3, 64E-4, 64E-5, F.A.C.; Chapters 404 and 468, Part IV, F.S., including the implementation of new legislation affecting these Chapters; Bureau of Radiation Control, including Internet site; and other business.

A copy of the agenda may be obtained by contacting: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, or Brenda\_Andrews@doh.state.fl.us.

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 10 days before the workshop/meeting by contacting: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, 32399-1741, (850)245-4266, email: Brenda\_Andrews@doh.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).

For more information, you may contact: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, 32399-1741, (850)245-4266, email: Brenda\_Andrews@doh.state.fl.us.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2012, 2:30 p.m.

PLACE: Flagler County Government Services Building, 1769 East Moody Blvd., Bunnell, FL 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting.

A copy of the agenda may be obtained by contacting Patricia Hubbard, (386)238-4910 or Patricia\_Hubbard@dcf.state.fl.us.

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 2 days before the workshop/meeting by contacting: Patricia Hubbard, (386)238-4910 or Patricia\_Hubbard@dcf.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.



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For more information, you may contact: Patricia Hubbard, (386)238-4910 or Patricia\_Hubbard@dcf.state.fl.us.

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The **Orlando Area Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2012, 10:00 a.m. – 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335.

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: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335. 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).

For more information, you may contact: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335.

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The **Miami-Dade Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade College, Wolfson Campus, 500 N.E. 2nd Avenue, Room 3208-9, Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Miami-Dade Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947.

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: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947. 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).

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For more information, you may contact: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947.

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The Florida **Department of Children and Families**, Refugee Services Program announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2012, 1:00 p.m.

PLACE: Florida Department of Children and Families, Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public community stakeholder meeting to discuss the new concept and design of a program to assist refugee children (ages 0-5) living in the Jacksonville area become school ready. Services will be competitively procured in the very near future. A copy of the agenda may be obtained by contacting: Debbie Ansbacher, Debbie\_Ansbacher@dcf.state.fl.us.

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: Debbie Ansbacher, email: Debbie\_Ansbacher@dcf.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).

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## **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2012, 7:00 p.m.

PLACE: St. Johns County Agricultural Center, 3125 Agricultural Center Drive, St. Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for the FWC ten-year Land Management Plan for the Guana River Wildlife Management Area (WMA). This hearing is being held EXCLUSIVELY for discussion of the DRAFT Guana River WMA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations.

For more information on the process for FWC rule and regulation development go online: [myfwc.com/about/rules-regulations/rule-changes/](http://myfwc.com/about/rules-regulations/rule-changes/) or call: (850)487-1764.

A Management Prospectus for the Guana River WMA is available upon request.

For a copy, please contact: Rebecca Shelton, Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning, 620 South Meridian Street, Tallahassee, Florida 32399-1600 (850)487-9982.

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The Florida **Fish and Wildlife Conservation Commission** announces a facilitated stakeholder meeting to discuss and examine manatee issues.

DATE AND TIME: October 11, 2012, 9:00 a.m.

PLACE: Florida Fish and Wildlife Research Institute, 3rd Floor, Conference Room, 100 8th Avenue, S.E., St. Petersburg, FL 33701; Participation by teleconference also will be available at the following location, and remotely via the Internet and telephone (see contact information below for who to contact for details).

Additional remote location:

Florida Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Conference Room G52C (Ground Floor)  
Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is exchange of information and fact finding, to solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee. The public can attend the meeting; however, space is limited. This meeting will be structured and facilitated. Limited public comments will be taken.

A copy of the agenda may be obtained by contacting: Ms. Carol Knox, (850)922-4330 or Carol.Knox@MyFWC.com.

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: The FWC, (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).

For more information, you may contact: Ms. Carol Knox, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section 6A, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

The **Department of Economic Opportunity** (f/k/a the **Agency for Workforce Innovation**), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2012. 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B-49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)670-3525, Passcode: 1188081993 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

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: Project Connect, PMO, (850)617-0833. 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).

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The **Department of Economic Opportunity** (f/k/a the **Agency for Workforce Innovation**) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2012, 1:30 p.m. – 4:30 p.m.

PLACE: Tampa Bay WorkForce Alliance Corporate Office, 5100 W. Kennedy Blvd., Suite 300, Tampa, FL 33609; Conference Call: 1(888)670-3525, Passcode: 6974438117#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fourth meeting of the work group created by the 2012 Legislature to study Florida's reemployment assistance contribution as specified in Section 443.131, Florida Statutes.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

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: Monique Manns, (850)921-3870. 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).

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#### CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2012, 9:00 a.m. – 4:00 p.m.

PLACE: The Peabody Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Depopulation Committee Meeting.

A copy of the agenda may be obtained by contacting: Barbara Walker, 1(800)807-7647, extension 3744 or visit our website: [www.citizensfla.com](http://www.citizensfla.com).

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: Barbara Walker, 1(800)807-7647, extension 3744.

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).

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### **STUDY COMMITTEE ON INVESTOR-OWNED WATER AND WASTEWATER UTILITY SYSTEMS**

The **Study Committee on Investor-Owned Water and Wastewater Utility Systems** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Thursday, October 18, 2012, 10:00 a.m. – until adjourned

**PLACE:** This is a Conference Call. Call: (850)413-6960 for instructions on participation

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion by the Committee of topics and issues which are to be studied by the Committee. Please refer to the Committee's website for more information.

A copy of the agenda may be obtained by contacting: JoAnn Chase, (850)413-6978, JChase@psc.state.fl.us or from the Committee's website, at least seven (7) days prior to the call.

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: Katherine Pennington, (850)413-6960. 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).

For more information, you may contact: JoAnn Chase, (850)413-6978, email: JChase@psc.state.fl.us or consult the Committee's website: [www.floridawaterstudy.com](http://www.floridawaterstudy.com).

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### **SUNSHINE STATE ONE-CALL OF FLORIDA, INC.**

The **Sunshine 811** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, October 19, 2012, 10:00 a.m. – 12:00 Noon

**PLACE:** This meeting will be held by teleconference. To participate, call: 1(888)670-3525 and enter Meeting ID: 8567463178 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To develop the agenda for the November 15-16, 2012, Committee and Board of Directors meetings.

For more information, you may contact: Lori Budiani, Executive Assistant, (386)575-2002 or by email: [lori.budiani@sunshine811.com](mailto:lori.budiani@sunshine811.com).

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### **MRGMIAMI**

The Florida **Department of Transportation**, District Four announces a workshop to which all persons are invited.

**DATE AND TIME:** October 10, 2012, 5:30 p.m. – 7:30 p.m.

**PLACE:** International Game Fish Association, Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida 33004

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This Alternatives Public Workshop is being held for the proposed improvements to State Road (SR) 9/I-95 in Broward County, Florida (Financial Management Number: 429804-1-22-01; Efficient Transportation Decision Making (ETDM) Number: 13168). The workshop will be an open-house forum where all viable alternatives that have been developed will be on display.

This workshop is being held to present the project progress to date and obtain comments from the general public on the alternatives under consideration. The primary purpose of this project is to enhance operational capacity and relieve congestion along this segment of the SR 9/I-95 Expressway, which extends approximately 9 miles from SR 848/Stirling Road to north of SR 816/Oakland Park Boulevard in Broward County. The study will focus on evaluating the addition of tolled Express Lanes in the median of I-95 with opportunities to accommodate regional express bus service. Your participation is encouraged and appreciated. In the event that the workshop cannot be held on October 10, 2012 due to severe weather or unforeseen conditions, it will be held on the alternate date of October 24, 2012 at the same time and place.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons with disabilities who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) should contact me at least seven (7) days before the workshop, (954)777-4425 or Toll Free, 1(866)336-8435, ext. 4425. For more project information, visit [www.95StirlingOakland.com](http://www.95StirlingOakland.com). If you have questions about the project or scheduled workshop, I can also be reached via email at [ray.holzweiss@dot.state.fl.us](mailto:ray.holzweiss@dot.state.fl.us).

A copy of the agenda may be obtained by contacting: Mr. Ray Holzweiss, P.E., at the contact information listed above.

For further information, please visit the project website: [www.95StirlingOakland.com](http://www.95StirlingOakland.com).

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## **Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements**

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Edward Jarriel, Jr., filed on September 10, 2012. The petition seeks the agency's opinion as to the applicability of Section 489.105(3)(n), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks the Board to interpret Section 489.105(3)(n), Florida Statutes, and whether the installation of backflow prevention devices on the consumer side of a main water distribution system for a single family dwelling is permitted under the license of an underground utility contractor.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257, within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by National Metering Services, on June 22, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 28, of the July 13, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 10, 2012. The Petitioner did not state in his request which statute the Petitioner was seeking the Board to interpret. However, Petitioner appeared to be requesting an interpretation of Section 489.105, Florida Statutes, and whether only licensed Florida Underground Utility Contractors are allowed to bid on underground water metering utility projects. The Board's Order, filed on September 7, 2012, denies the Petition for Declaratory Statement. Petitioner did not demonstrate he is substantially affected, as required by Section 120.565, Florida Statutes. The Petitioner appeared to be inquiring about the conduct of another.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Warren W. Schaefer, P.E. of W.W. Schaefer Engineering & Consulting, P.A. The petition seeks the agency's opinion as to the applicability of Sections 2411.1.11 and 2411.3.3.7, Florida Building Code, Building Volume, (2010), as it applies to the petitioner.

Petitioner seeks clarification of safety glazing requirements in insulated glass for large missile impact rated windows.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: Mo Madani, CBO Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399.

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on September 14, 2012, the Board of Pharmacy has received the petition for declaratory statement from Florida Hospital Home Infusion, LLP. The petition seeks the agency's opinion as to the applicability of Section 465.003(14), Florida Statutes, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Section 465.003(14), Florida Statutes, as to who is considered a lawful agent of the prescriber.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

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NOTICE IS HEREBY GIVEN THAT on March 14, 2011, the Board of Psychology issued a Final Order on the petition for declaratory statement filed by Bruce Borkosky, Psy.D. The Notice of the Petition was published in Vol. 36, No. 52, of the December 30, 2010, issue of the Florida Administrative Weekly. The Board reviewed the Petition at its meeting held on January 21, 2011. The Board's Final Order declines to issue a Declaratory Statement of Sections 490.0147 and 490.009(1)(u), Florida Statutes, because the statutes are clear as written.

A copy of the Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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NOTICE IS HEREBY GIVEN THAT on March 14, 2011, the Board of Psychology issued a Final Order on the petition for declaratory statement filed by Dean R. Cauley, Ph.D. The Notice of the Petition was published in Vol. 36, No. 38, of the September 24, 2010, issue of the Florida Administrative Weekly. The Board reviewed the Petition at its meeting held on January 21, 2011. The Board's Final Order declines to issue a Declaratory Statement of Sections 490.012(1)(c) and 490.014(1)(b), Florida Statutes, because the statutes are clear as written.

A copy of the Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on May 23, 2011, the Board of Psychology issued a Final Order on the petition for declaratory statement filed by Douglas S. Marans. The Notice of the Petition was published in Vol. 37, No. 11, of the March 18, 2011, issue of the Florida Administrative Weekly. The Board reviewed the Petition at its meeting held on April 22, 2011. The Board's Final Order finds that under the circumstances outlined in the Petition, the three hour semester course entitled "Applied Behavior Analysis" at Florida Atlantic University meets the requirements of paragraph 64B19-13.003(1)(b), F.A.C.

A copy of the Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB13MB-122, Rabon Chilled Water Plant Rebuild Cooling Towers 4 & 5, estimated budget: \$400,000, to be opened Tuesday, October 30, 2012, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes the complete rebuilding of the existing wood constructed University of Florida Rabon Chilled Water Plant Cooling Towers 4 and 5. Project requirements will meet the performance criteria listed in the Drawings and Specifications dated 7/13/12 by Moses and Associates, Inc. Mandatory pre-bid meeting will be held Friday, October 11, 2012, 10:00 a.m., in the Physical Plant Division Lacy C. Rabon Chilled Water Plant Bldg. 0473, Gainesville, FL. Questions should be directed to: Mercedes Bongiovanni, moongio@ufl.edu or (352)392-1331. For more information visit: [www.purchasing.ufl.edu](http://www.purchasing.ufl.edu).

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, [purchasing@ufl.edu](mailto:purchasing@ufl.edu) or (352)392-1331 within three (3) days of the event.

Request for Qualifications  
 RFQ 13-10 titled

CM for Osprey Clubhouse and Pool Facility

The University of North Florida Board of Trustees, a public body corporate, announces that Construction Management Services will be required for the project termed the Osprey Clubhouse and Pool Facility at the University of North Florida located at 1 UNF Drive, Jacksonville, FL 32224.

The scope of work for this project is anticipated to include a building of approximately 15,000 gross square feet total, configured as a single two-story structure. There are existing modular buildings, a laundry facility and an abundance of site utilities in the footprint of the proposed location. The facility will include a full service grill/convenience store, game room, multi-purpose rooms, exterior mailboxes, laundry and service/delivery space for Housing and Residence Life. Some of these spaces could operate 24/7. This project also has a proposed pool of approximately 3,000 square feet with a four foot depth and about 6,000 square feet of pool deck. The pool area will include shade elements, fencing and lush landscaping. There are about 2,000 students living in very close proximity to the site. The design team is currently in the conceptual design phase.

The tentative solicitation schedule for this RFQ:

Pre-submittal conference      October 9, 2012, 11:00 a.m.

Submissions due           October 30, 2012, 2:00 p.m.  
 Evaluation/Short listing   November 2012  
 Interviews (TBD)/Award   January 2013

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from the RFQ 13-10 titled CM for Osprey Clubhouse and Pool Facility. The letter of application should have attached:

1. The most recent version of the “UNF Construction Manager Qualifications Supplement,” completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant’s current Florida Contractor’s License from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit six (6) complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

Minority business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a construction manager may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Construction Manager Qualifications Supplemental forms, descriptive project information, required forms and the selection criteria may be obtained online at the UNF Purchasing department website: [http://www.unf.edu/anf/purchasing/Bids\\_and\\_Notices.aspx](http://www.unf.edu/anf/purchasing/Bids_and_Notices.aspx) or by emailing:

Dianna White	AND	Angela Johnson
<a href="mailto:Dianna.white@unf.edu">Dianna.white@unf.edu</a>		<a href="mailto:ajohnson@unf.edu">ajohnson@unf.edu</a>
(904)620-1731		(904)620-1733

Submit one (1) original and five (5) complete copies of submittals to the referenced address. RFQ submittals must be received no later than 2:00 p.m. (EST), October 30, 2012. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Invitation to Negotiate

The Department of Economic Opportunity announces public meetings to which all persons are invited.

**DATE AND TIMES OF MEETINGS:**

Pre-Response Conference: October 9, 2012, 10:00 a.m. (EST)  
 Public Opening of Responses: November 26, 2012, 3:00 p.m. (EST)

Evaluation Team Meeting: December 12, 2012, 1:00 p.m. (EST)

Negotiation Team Meeting: February 15, 2013, 10:00 a.m. (EST)

**PLACE OF MEETINGS:** Caldwell Building, Conference Room B-49, 107 East Madison Street, Tallahassee, Florida 32399-0950

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Section 120.525 Florida Statutes, public meetings for Invitation to Negotiate 12-ITN-001-DT “Reemployment Tax Data Sharing between Consumer Reporting Agencies, DEO and DOR” are hereby noticed. The Department reserves the right to issue amendments, addenda, and changes to this timeline and specifically to the meeting notices listed above. Notice of any change will be posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not be re-advertised in the Florida Administrative Weekly (F.A.W.). The VBS can be accessed at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Diana K. Trahan, (850)245-7466, [Diana.Trahan@deo.myflorida.com](mailto:Diana.Trahan@deo.myflorida.com) or Laura Jennings, phone: (850)245-7476, email: [Laura.Jennings@deo.myflorida.com](mailto:Laura.Jennings@deo.myflorida.com).

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 Department at least 48 hours before the pre-bid conference/meeting by contacting: Diana K. Trahan, phone: (850)245-7466, email: [Diana.Trahan@deo.myflorida.com](mailto:Diana.Trahan@deo.myflorida.com) or Laura Jennings, (850)245-7476, email: [Laura.Jennings@deo.myflorida.com](mailto:Laura.Jennings@deo.myflorida.com).

If you are hearing or speech impaired, please contact the Department using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section XII  
 Miscellaneous**

**DEPARTMENT OF STATE**

Notice of Solicitation for  
 2015 Special Category Grants-in-Aid  
 October 15, 2012 – December 15, 2012

The purpose of this notice is to formally announce that the Florida Department of State, Division of Historical Resources, is currently soliciting applications for the Historic Preservation Special Category Grants-in-Aid Program.

**SPECIAL CATEGORY GRANTS PROGRAM**

The purpose of the Special Category Grants Program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, to assist major archaeological excavations, and assist in the development, fabrication and installation of major museum exhibits that will promote knowledge and appreciation of the history of Florida. For the purpose of this program, the term "major" means projects with grant funding needs in excess of \$50,000. This program does not fund operational support for museums or historic preservation organizations.

**SOLICITATION PERIOD**

The solicitation period begins October 15, 2012, and extends through December 15, 2012. The online application is available at [www.flheritage.com/grants](http://www.flheritage.com/grants). Online applications must be submitted by 11:59 p.m., December 15, 2012. In addition, one paper copy of the application and all required attachments must be delivered to: Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 no later than 5:00 p.m., December 15, 2012 OR be clearly postmarked on or before December 15, 2012, OR show evidence of submission to an express mail service on or before December 15, 2012. If access to the online application is not available, arrangements for the submission of paper applications may be made by calling: The Bureau, (850)245-6333 or Toll Free: 1(800)847-7278.

**FUNDS AVAILABLE**

Funding availability will depend upon legislative appropriation during the 2014 Legislative Session. Recommended grant awards will range from \$50,000 to \$350,000.

**WHO IS ELIGIBLE TO APPLY**

Eligible applicants include departments or agencies of the State of Florida (including state universities); units of county, municipal or other local governments; or any Florida not-for-profit corporation, institution, or organization.

Religious organizations are eligible to apply for grant-in-aid assistance. However, eligible development activities involving religious properties are limited to work on the exterior of the property and only to those interior activities that are essential to the preservation of the structural integrity of the property. For clarification, "religious properties" include any real property and associated improvements owned by a religious institution such as churches, schools, meeting halls and parish houses and any real property, regardless of ownership, that is used as a place of worship.

For historical museum projects, applicants must be a governmental or non-profit Florida history museum. A Florida history museum is an institution established permanently in Florida, promoting and encouraging knowledge and appreciation of Florida history through the collection,

presentation, exhibition, and interpretation of artifacts and other historical items related to Florida history. The mission of the museum must relate directly to the history of Florida.

**PROJECTS ELIGIBLE FOR FUNDING**

1. Acquisition of historic properties or archaeological sites;
2. Development activities, including: restoration, rehabilitation, preservation, and reconstruction, and site-specific planning required for these activities;
3. Archaeological excavation projects, including: research, field investigation, testing, analysis and publication of findings; and
4. Museum exhibit projects for Florida history museums, including: research, exhibit design, fabrication and installation.

Museum Exhibit projects involve development and presentation of exhibitions and educational materials on the history of the human occupation of Florida through use of artifacts, graphics, audiovisual elements, text panels and educational materials. Projects must result in a tangible product related to Florida history.

Property for which an applicant is requesting Special Category grant assistance does not need to be listed in the National Register of Historic Places. However, if a property is not listed in the National Register, the applicant must provide sufficient information to allow its historic significance to be fully evaluated. Such historical information for properties that are designated under a local historic preservation ordinance may be contained in a local Designation Report. For other properties, this information may be contained in a historic sites survey report or other documentation. For those properties where this information is not available, the applicant may include historical research as one of the proposed grant work items. A portion of grant funding (up to \$2,000) may be used to pay for this activity. It is not necessary to supply this information for historical museum exhibition projects, unless the museum is located in a historic building.

All proposals for restoration or rehabilitation work must follow the Secretary of Interior's Standards for the Treatment of Historic Properties, and all proposals for archaeological excavations must follow the Secretary of Interior's Standards for Archaeological Documentation.

Other preservation activities may also be eligible for grant assistance. If you have a question about the eligibility of a project or work element, please call: The Bureau of Historic Preservation, (850)245-6333 or 1(800)847-7278.

**AWARD AMOUNT AND MATCH REQUIREMENTS**

The applicant shall request no more than \$350,000 in a single application. The minimum grant request amount for the Special Category Grant Program is \$50,000.

The match requirement for the Special Category Grant Program shall be the greater of \$50,000 or 50 percent of the requested grant amount unless as reduced for communities participating in the Rural Economic Development Initiative

(REDI) program, administered by the Governor's Office of Department of Economic Opportunity. The match requirement shall be reduced to 10 percent of the requested grant amount for projects within rural communities designated as REDI-qualified in accordance with Sections 288.0656 and 288.06561, Florida Statutes. The community in which the project site is located must be a REDI community at the time of application. A list of REDI qualified counties and municipalities is available from the Department of Economic Opportunity, <http://www.florida-redi.com/>.

An applicant organization may submit only one (1) Historic Preservation Special Category Grant Application under a single application deadline. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle, provided that those divisions or departments are separate and distinct budgetary units, and provided that applications do not address the same facility, project or site.

Grantees may have no more than one (1) previously awarded Special Category grant open at the time of application. Applications from applicants with more than one open Special Category grant shall be declared ineligible by staff and such applications shall be returned to the applicant with a written explanation.

In computing grant match, please note that, while direct administrative costs for conducting grant activities will be considered allowable expenditures, in aggregate, the amount of these costs (whether grant funded and/or part of the match) may not exceed 10% of the grant award request. In valuing in-kind services and donated materials, please be sure to use a value that reflects a typical fair market value you would pay if you were purchasing such services. Volunteer labor is typically valued at the current State of Florida minimum wage.

Please be aware that you may not use expenditures of any kind made prior to the grant period as part of your match.

Match must be fully documented in Attachment A of the application. This documentation will be reviewed in detail by staff. In review of applications, no preference will be given to projects with an overmatch. Match may be in the form of cash, in-kind services, volunteer labor, or donated materials. A minimum of 25 percent of the match must be cash on hand. The match must relate directly to the specific project for which grant funds are being requested and not to activities or expenditures involving other exhibits, or buildings or sites in an associated complex of historic buildings or archaeological sites. The match, as stipulated in the application, must be expended during the grant period on the described project and be fully documented. Any promised match that is not spent may result in reduction of the grant award by a proportional amount.

It is important that an applicant document support for the project for which funding is requested. It is highly recommended that between 10 and 15 letters of support, endorsements, resolutions, and other documentation evidencing local, regional or statewide support for the project be included with the submission of the paper copy of the application.

#### APPLICATION DEADLINE

Applications will be accepted online between October 15, 2012 and 11:59 p.m., December 15, 2012. In addition to the submission of the online application, to be considered for funding, one paper copy of the application plus attachments and signature forms must be delivered to the Bureau of Historic Preservation, Division of Historical Resources on or before 5:00 p.m., December 15, 2012 OR be clearly postmarked OR show evidence of submission to an express mail service on or before December 15, 2012.

#### APPLICATION REVIEW AND PROJECT SELECTION

Eligible applications will be evaluated on a competitive basis by the Florida Historical Commission (FHC) in a public meeting scheduled for March 21-22, 2013 (subject to change). The Commission will review applications pursuant to criteria in subsection 1A-39.008(8), Florida Administrative Code, and recommend those applications that should be forwarded to the 2014 Legislature for funding consideration. A level of funding (full or partial) will be recommended for each project. In accordance with the Government Performance and Accountability Act of 1994, the Division of Historical Resources is mandated to increase the number of historic and archaeological properties protected or preserved for public use. As a result, in order to meaningfully benefit as many properties as possible, projects may not be recommended for the full amount requested; rather, the Commission may recommend an amount intended as a significant contribution to the project. The Commission will also rank, in priority, those projects that it recommends.

Unfunded projects included on the State Fiscal Year 2013-2014 Roll Over List will receive no advantage in the competition for 2015 Special Category grant funding. This solicitation is for a new and open competition for eligible applicants and projects. The Florida Historical Commission will recommend to the Secretary of State, the projects that should be forwarded to the Legislature to be considered for funding. This recommendation will not result in any immediate grant award. The award and level of funding for each Special Category project will be subject to specific legislative appropriation.

The Commission will take into consideration which applicants appear best able to utilize funding within 24 months, beginning on July 1, 2014 and ending on June 30, 2016. In this reference, applicants should be careful not to request more funds than they could reasonably expect to expend within a 24-month period. It is important to keep in mind that, for large projects,



five or six months may be required to develop satisfactory plans and specifications before actual work could begin. Plans, specifications, and all contracts must be submitted to the Bureau of Historic Preservation for review and approval before the implementation of any work.

For projects receiving funding from the 2014 Florida Legislature, funds will become available after July 1, 2014, which is the beginning of the 2014-2015 State Fiscal Year. The funds must be fully obligated (under contract) by June 30, 2015. Any unexpended balance of grant funds will revert to the state at the end of the 24-month period, on June 30, 2016.

#### ADMINISTRATIVE REQUIREMENTS

To receive grant funds, grantees will be required to sign a Grant Award Agreement containing specific administrative responsibilities. Grantees with rehabilitation or restoration projects will also be required to execute Restrictive Covenants that must be recorded with the property deed by the Clerk of Circuit Court in the county where the property is located. These covenants require that, in exchange for state grant funds, the grantee will not undertake modifications to the property (other than routine repairs and maintenance) for a period of ten years without review and approval of plans and specifications by the Division. Additional information regarding these covenants is available from the Bureau on request.

For projects involving properties other than real property (e.g. aircraft, locomotive or marine vessel), the grantee must submit an executed and notarized Preservation Agreement in which the grantee and property owner shall commit to assuming the cost of maintenance and repair of the property, permit no alterations without prior permission from the Division, and allow the inspection of the property by the Division for a period of ten years. Detailed information about the Preservation Agreement is available from the Bureau upon request.

#### ADDITIONAL INFORMATION

If you have any questions regarding proposed projects or the online application form, please call staff of the Bureau of Historic Preservation, 1(800)847-7278 or (850)245-6333. Questions regarding architectural projects should be directed to: Phillip Wisley, R.A. Other questions regarding the Historic Preservation Special Category Grants Program can be directed to any member of the Bureau's Historic Preservation Grants staff.

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### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Taotao USA, Inc., intends to allow the establishment of Boca Scooters, LLC, as a dealership for the sale of

motorcycles manufactured by Taotao Group Co. Ltd. (line-make TAOI, WMI-L9N) at 389 Northwest 1st Avenue, Boca Raton (Palm Beach County), Florida 33432, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Boca Scooters, LLC, are dealer operator(s): Colton Ralston, 389 Northwest 1st Avenue, Boca Raton, Florida 33432; principal investor(s): Colton Ralston, 389 Northwest 1st Avenue, Boca Raton, Florida 33432.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jennifer Wallace, Taotao USA, Inc., 2425 Camp Avenue, Suite 100, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Custom Golf Cars, Inc., intends to allow the establishment of Electric Motion Golf Carts, as a dealership for the sale of low-speed vehicles manufactured by American Custom Golf Cars, Inc. (line-make ACGC) at 3945 Bayshore Drive, Naples (Collier County), Florida 34112, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Electric Motion Golf Carts are dealer operator(s): Robert L. Love, 3945 Bayshore Drive, Naples, Florida 34112; principal investor(s): Robert L. Love, 3945 Bayshore Drive, Naples, Florida 34112.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Hoogenraad, American Custom Golf Cars, Inc., 15740 El Prado Road, Chino, California 91710.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Qlink, L.P., intends to allow the establishment of Fine Art Motors, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (line-make QING) at 3822 Land O'Lakes Boulevard, Land O'Lakes (Pasco County), Florida 34639, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Fine Art Motors, Inc., are dealer operator(s): Joe Heiler, 3822 Land O'Lakes Boulevard, Land O' Lakes, Florida 34639; principal investor(s): Joe Heiler, 3822 Land O'Lakes Boulevard, Land O'Lakes, Florida 34639.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Pony Ma, Qlink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Qlink, L.P., intends to allow the establishment of Fine Art Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (line-make ZHQM) at 3822 Land O'Lakes Boulevard, Land O'Lakes (Pasco County), Florida 34639 on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Fine Art Motors, Inc., are dealer operator(s): Joe Heiler, 3822 Land O'Lakes Boulevard, Land O'Lakes, Florida 34639; principal investor(s): Joe Heiler, 3822 Land O'Lakes Boulevard, Land O'Lakes, Florida 34639.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Pony Ma, Qlink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Qlink, L.P., intends to allow the establishment of Fine Art Motors, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Shineray Motorcycle

Co. Ltd. (line-make SHIN) at 3822 Land O' Lakes Boulevard, Land O'Lakes (Pasco County), Florida 34639, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Fine Art Motors, Inc., are dealer operator(s): Joe Heiler, 3822 Land O' Lakes Boulevard, Land O'Lakes, Florida 34639; principal investor(s): Joe Heiler, 3822 Land O Lakes Boulevard, Land O' Lakes, Florida 34639.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Pony Ma, Qlink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Rim International West, Inc., intends to allow the establishment of Jalka Auto Sales, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (line-make DAIX) at 9301 Ulmerton Road, Largo (Pinellas County), Florida 33771, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Jalka Auto Sales, Inc., are dealer operator(s): Isam Jaber, 9301 Ulmerton Road, Largo, Florida 33771; principal investor(s): Isam Jaber, 9301 Ulmerton Road, Largo, Florida 33771.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Wendy Yu, Pacific Rim International West, Inc., 2181 East Francis Street, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Parallel Intelligent Transportation, Inc., intends to allow the establishment of Larkin Motorworks, LLC, d/b/a St. Pete Scooter as a dealership for the sale of motorcycles manufactured by Guangdong Qingxin Liantong Industry Co. Ltd. (line-make QNGX) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC, d/b/a St. Pete Scooter are dealer operator(s): Ron H. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704 and Ron M. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron H. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704 and Ron M. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Brett Moorer, Parallel Intelligent Transportation, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Parallel Intelligent Transportation, Inc., intends to allow the establishment of Larkin Motorworks, LLC, d/b/a St. Pete Scooter as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Rhon Motorcycle Co. Ltd. (line-make RHON) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC, d/b/a St. Pete Scooter are dealer operator(s): Ron H. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704 and Ron M. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron H. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704 and Ron M. Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Brett Moorer, Parallel Intelligent Transportation, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Qlink, L.P., intends to allow the establishment of M&S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (line-make QING) at 14673 US Highway 301 South, Starke (Bradford County), Florida 32091, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of M&S Scooters, LLC, are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091, principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Pony Ma, Qlink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Qlink, L.P., intends to allow the establishment of M&S Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (line-make ZHQM) at 14673 US Highway 301 South, Starke (Bradford County), Florida 32091, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of M&S Scooters, LLC, are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091, principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Pony Ma, Qlink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Sunny Powersports, Inc., intends to allow the establishment of Motorcycles Under 250cc, LLC, as a dealership for the sale of motorcycles manufactured by Cixi Kingring Motorcycle Co. Ltd. (line-make CIXI) at 969 Aurora Road, Melbourne (Brevard County), Florida 32909, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles Under 250cc, LLC, are dealer operator(s): Steve Gordon, 969 Aurora Road, Melbourne, Florida 32909; principal investor(s): Steve Gordon, 969 Aurora Road, Melbourne, Florida 32909.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lei Lu, Sunny Powersports, Inc., 12851 Reservoir Street, Chino, California 91710.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Sunny Powersports, Inc., intends to allow the establishment of Motorcycles Under 250cc, LLC, as a dealership for the sale of motorcycles manufactured by Ningbo Dongfang Lingyun Vehicle Made Co. Ltd. (line-make DONF) at 969 Aurora Road, Melbourne (Brevard County), Florida 32909, on or after October 28, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles Under 250cc, LLC, are dealer operator(s): Steve Gordon, 969 Aurora Road, Melbourne, Florida 32909; principal investor(s): Steve Gordon, 969 Aurora Road, Melbourne, Florida 32909.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lei Lu, Sunny Powersports, Inc., 12851 Reservoir Street, Chino, California 91710.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**EXEMPTION**

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Monroe      District: 11  
 ID # E120013      Decision: A      Issue Date: 9/18/2012  
 Facility/Project: Fishermen's Community Hospital  
 Applicant: Fishermen's Hospital, Inc.  
 Project Description: Designation of 12 swing beds  
 Proposed Project Cost: \$0.00

**EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange      District: 7  
 ID # E120012      Decision: A      Issue Date: 9/14/2012  
 Facility/Project: University Behavioral Center  
 Applicant: University Behavioral, LLC  
 Project Description: Establish a 24-bed adult inpatient psychiatric unit by delicensing 24 child/adolescent inpatient psychiatric beds  
 Proposed Project Cost: \$593,136.00

**RECEIPT OF EXPEDITED APPLICATION**

The Agency for Health Care Administration has received the following CON application for expedited review:

County: Osceola      Service District: 7-3  
 CON #10173      Received: 9/14/12  
 Facility/Project: Poinciana Medical Center  
 Applicant: Poinciana Medical Center, Inc.  
 Project Description: Transfer CON #9994 to establish a 30-bed acute care hospital from Osceola Regional Hospital, Inc. to the applicant.

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected fixed need pools for hospice programs for January 2014, pursuant to the provisions of Rules 59C-1.008 and 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 3, Room 1136, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 15, 2012.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	0
Subdistrict 6B	0	Total	0

**NOTICE OF PEDIATRIC OPEN HEART SURGERY PROGRAMS AND PEDIATRIC CARDIAC**

**CATHETERIZATION PROGRAMS FIXED NEED POOLS**

The Agency for Health Care Administration has projected fixed need pools for pediatric open heart surgery programs and pediatric cardiac catheterization programs for January, 2015, pursuant to the provisions of Rules 59C-1.008, 59C-1.032 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 3, Room 1136, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 15, 2012.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool numbers will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a

waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Pediatric Cardiac Catheterization Programs – Pediatric Open Heart Surgery Programs Net Need**

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Notice of Receipt of Applications for Permit Coverage under the State’s Generic Permit for MS4’s**

The Department of Environmental Protection announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the U.S. Air Force – Hurlburt Field. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by

any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (MS #2500), Tallahassee, FL 32399-2400.

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#### Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### DEPARTMENT OF JUVENILE JUSTICE

##### Contract Management and Monitoring

The Florida Department of Juvenile Justice has posted revised policies and procedures for review and comment. The Program Monitoring Policy DJJ 2000, Department-wide Program Monitoring and Contract Management Guidelines, Employee Training Policy DJJ 1520 and the Employee Training Procedures 1520P are posted at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html). Also posted at that location is a Contract Manager Delegation template to be used for delegation of contract manager function.

The revised policy and procedure incorporate recent changes in the contract management and program monitoring functions of the Department of Juvenile Justice and establish contract and grant monitoring for all contracted programs and services within the Department of Juvenile Justice (DJJ). The training policy establishes a statewide framework for the Department of Juvenile Justice to implement procedures governing the training of Department employees.

Nothing in these policies and related procedures shall supersede, or infringe on the authority of Federal Law, Florida Statute, related Rules of the Auditor General, and the Department of Financial Services. There is no fiscal impact for

Department or applicable service providers. The revised policy and procedure is being posted for a single 20 working day review and comment period.

The closure date for submission of comments is October 25, 2012. Comments should be sent to the person identified on the above Website utilizing the Matrix of Comments. Responses to comments received will be posted during the review period to the extent possible.

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#### DEPARTMENT OF HEALTH

##### Notice of Emergency Action

On September 17, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Kristy Curry Levesque, L.P.N, License #PN 5151003. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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##### Notice of Emergency Action

On September 17, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Teresa Anne Egli, L.P.N, License #PN 1301191. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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##### Notice of Emergency Action

On September 17, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Lynsey Marie Friedrich, R.N., License #RN 9194345. This Emergency Suspension Order was predicated



upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### Notice of Emergency Action

On September 13, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Francisco Rodriguez Gonzalez, C.N.A. License number #CNA 159951. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### Notice of Emergency Action

On September 13, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jimmy Wade Irvin, Jr., L.P.N. License number #PN 5171681. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### Notice of Emergency Action

On September 17, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Linda Crystal Jacobsen, R.N., License #RN 9287647. This Emergency Suspension Order was predicated

upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 13, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Stephanie M. Murphy, RN. License number #RN 9273305. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 13, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Terri Sue Guerra, R.P.T. License number #RPT 31330. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### Notice of Emergency Action

On September 17, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Cassandra D. Register, C.N.A., License #CNA 148409. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of Emergency Action

On September 17, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lloyd A. Price, R.Ph., License #PS 33126. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of the Availability of

The 2012 Trauma Center Letter Of Intent

NAME OF AGENCY: Department of Health (DOH)

PACKAGE TITLE: Florida Trauma Center Letter of Intent

PURPOSE AND EFFECT: The Department of Health is mandated by section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

Rule 64J-2.012, Florida Administrative Code.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, mail, or visit the Office of Trauma's website: <http://doh.state.fl.us/demo/Trauma/index.html> "Letter of Intent 2012"

Telephone: (850)245-4444, ext. 2756 or Suncom: 205-4440.

Fax: (850)488-2512.

Mail request to, Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, and Bin #C-18 Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2012 and midnight October 1, 2012.

CONTACTS: Bernadette Behmke, (850)245-4444, ext. 2756, or Susan McDevitt, (850)245-4444, ext. 2760, or Suncom: 205-4440.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 10, 2012  
 and September 14, 2012

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**  
**St. Johns River Water Management District**  
 40C-1.1101      9/10/12      9/30/12      38/26      38/34

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Division of Alcoholic Beverage and Tobacco**  
 61A-4.0501      9/13/12      10/3/12      38/19      38/31

**DEPARTMENT OF HEALTH**  
**Board of Optometry**  
 64B13-18.002      9/12/12      11/11/12  
**Board of Athletic Training**  
 64B33-2.003      9/12/12      10/2/12      38/29

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ECONOMIC OPPORTUNITY**  
**Division of Workforce Services**  
 73B-20.001      9/14/12      10/4/12      38/23  
 73B-20.003      9/14/12      10/4/12      38/23  
 73B-20.004      9/14/12      10/4/12      38/23  
 73B-20.007      9/14/12      10/4/12      38/23  
 73B-20.015      9/14/12      10/4/12      38/23  
 73B-21.002      9/14/12      10/4/12      38/23  
 73B-22.003      9/14/12      10/4/12      38/23  
 73B-22.009      9/14/12      10/4/12      38/23

LIST OF RULES AWAITING LEGISLATIVE APPROVAL  
 PURSUANT TO (CHAPTER 2010-279, LAWS OF  
 FLORIDA)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 62-304.300      3/2/11      \*\*\*\*\*      38/3

**DEPARTMENT OF FINANCIAL SERVICES**  
**Division of Workers' Compensation**  
 69L-7.020      10/24/11      \*\*\*\*\*      37/24      37/3